

NATIONAL PROBLEMS, LOCAL SOLUTIONS:  
FEDERALISM AT WORK  
PART I  
FIGHTING CRIME IN THE TRENCHES

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HEARING  
BEFORE THE  
COMMITTEE ON  
GOVERNMENT REFORM  
HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTH CONGRESS

FIRST SESSION

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**NATIONAL PROBLEMS, LOCAL SOLUTIONS:  
FEDERALISM AT WORK  
PART I  
FIGHTING CRIME IN THE TRENCHES**

**WEDNESDAY, MARCH 3, 1999**

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON GOVERNMENT REFORM,  
*Washington, DC.*

The committee met, pursuant to notice, at 10:11 a.m., in room 2154, Rayburn House Office Building, Hon. Dan Burton (chairman of the committee) presiding.

Present: Representatives Burton, Morella, Shays, Ros-Lehtinen, Horn, Barr, Hutchinson, Terry, Biggert, Ryan, Owens, Mink, Maloney, Fattah, Kucinich, Blagojevich, Davis of Illinois.

Staff present: Kevin Binger, staff director; Daniel R. Moll, deputy staff director; Barbara Comstock, chief counsel; David Kass, deputy counsel and parliamentarian; John [Timothy] Griffin, senior counsel; Mark Corallo, director of communications; Corinne Zaccagnini, systems administrator; Carla J. Martin, chief clerk; Lisa Smith-Arafune, deputy chief clerk; Tom Bossert, assistant to the chief of staff; John Mastranadi, investigator; Jacqueline Moran, legislative aide; Phil Schiliro, minority staff director; Phil Barnett, minority chief counsel; Cherri Branson, David Rapallo, and Micheal Yeager, minority counsels; and Jean Gosa, minority staff assistant.

Mr. BURTON. The committee will come to order.

Good morning. A quorum being present, the Committee on Government Reform will come to order. I ask unanimous consent that all Members' and witnesses' opening statements be included in the record.

Without objection, so ordered.

Today's hearing is the first in a series that will take a close look at the relationship between State and local governments and the Federal Government.

Many of the most innovative and successful public-policy reforms enacted in recent years originated at the State and local levels. From crime and welfare reform, to education and taxes, State and local governments have led the way in reforms.

For example, much of the highly successful welfare-reform law that we passed in the 104th Congress was taken directly from reforms enacted in Wisconsin by Governor Tommy Thompson.

President Clinton vetoed welfare reform twice, but once the law was enacted, it revolutionized the welfare system across America, and the welfare rolls declined dramatically.

Also in response to the Governors and the mayors, the Republican Congress curbed the practice of imposing unfunded Federal mandates, which placed burdensome demands on State and local governments. And while Governor Huckabee has abolished the marriage penalty from the income-tax laws in Arkansas, we are still working to eliminate the marriage penalty at the Federal level.

So once again we have a Governor and the State far ahead of the Federal Government. The successful reforms in many States and local governments have been widely reported. However, less attention has been paid to determining the appropriate role that the Federal Government should play in helping them solve their problems.

So we want to hear from State and local leaders across this Nation on this issue. I think it is important to learn what has enabled these leaders to govern successfully.

Over the next several months, this committee will hold a series of hearings entitled, "National Problems, Local Solutions: Federalism at Work." Through these hearings, the committee will highlight successful and innovative reforms at the State and local levels.

The committee will show that many of the solutions to the problems facing America originate at the State and local levels and not at Washington, DC, determine which existing Federal programs best assist States and cities, explore new ways that the Federal Government can help State and local governments in the most cost-effective way, and participate in the national dialog regarding the respective roles of the local, State, and Federal Governments in addressing America's problems.

An examination of these issues fit squarely within the committee's jurisdiction over inter-governmental relations.

The States have often been described as the laboratories for change where new policy ideas are created, developed, and tested. Ideas are measured by the results they produce, and successful ideas are shared and disseminated from State to State.

As new ideas are implemented, and as public policy changes at the State and local levels, the Congress and the administration must reassess the role of the Federal Government. As old assumptions and ideas are replaced by innovative and successful reforms, it is reasonable to take a fresh look at the role of the Federal Government and its relationships to State and local governments.

Today's hearing, entitled, "National Problems, Local Solutions: Federalism at Work, Part I—Fighting Crime in the Trenches," is the first installment in our series of hearings that does exactly that, reassess the role of the Federal Government.

We will hear from three public officials, a mayor, a prosecutor, and a police commissioner. They have all enjoyed great success in fighting crime at the local level.

First, we will hear from the mayor of New York City, Rudolph Giuliani. Mayor Giuliani has been a leader in fighting crime for almost 30 years. He first served as an assistant U.S attorney in New York. He then became an Associate Deputy Attorney General under President Gerald Ford.

In 1981, President Ronald Reagan named him Associate Attorney General, the third highest position in the Department of Justice.

Mayor Giuliani also served as the U.S. attorney for the southern district of New York during the Reagan administration. And in 1993, he was elected the 107th mayor for the great city of New York.

The statistics describing Mayor Giuliani's first term in office are nothing short of staggering. New York City has the lowest crime rate among the nine American cities with a population over 1 million. Overall crime is down 50 percent, and murder is down by 69 percent.

Mayor Giuliani is in an ideal position to suggest ways the Federal Government can help cities fight crime. While crime is on the decline nationally, New York City's success has contributed disproportionately to the national trend. For example, from 1993 to 1997, New York City accounted for 38 percent of the total reduction in the FBI index crimes in cities with a population over 100,000, 28 of the reduction in homicides and 63 percent of the reduction in larceny theft.

In 1997 alone, 146 percent more crimes were committed in Detroit and 95 percent more in Dallas than in New York City. In other words, crime has been reduced to a far greater degree in New York City than the national average.

It deserves mention that New York City's success in reducing crime was accompanied by a 21-percent decrease in the use-of-force allegations against police officers from 1995 to 1998.

Now I would just like to say as an aside, that I have been to New York City many, many times over the years, both as a private citizen and as a public office holder, and during the first term of Mayor Giuliani, I want to tell you, New York City has been transformed. You can walk through Manhattan without any fear. There are policemen in cubicles on every other corner, or every corner. The area has been cleaned up. The restaurants are really nice.

I just want to tell you, it was like a transformation. And Mayor Giuliani, from one citizen to a great mayor, you have done an extraordinary job and people across this country ought to visit New York City. [Laughter.]

This is an unsolicited testimonial to try to get you a little tourism. [Laughter continues.]

Now, you see, you've got some applause from one of your Congressmen. [More laughter.]

On our second panel, we will have State Attorney Harry Shorstein of Jacksonville, FL, and Police Commissioner John Timoney of Philadelphia.

After serving in the Marine Corps in Vietnam, for which he was highly decorated, Mr. Shorstein returned to Florida, where he gained experience as both a defense attorney and a prosecutor. He served as the division head in the office of the public defender and subsequently as the division head and chief assistant State attorney. Mr. Shorstein has served as the elected State attorney for Jacksonville since 1991.

Mr. Shorstein has received high praise for his juvenile justice reforms, which combine prevention with punishment and rehabilitation. Since the implementation of Mr. Shorstein's juvenile justice

strategy, juvenile crime in Jacksonville has plummeted. Murder is down 78 percent, and vehicle theft is down 58 percent.

According to a recent Florida State University study, Jacksonville's approach to juvenile crime under the leadership of Mr. Shorstein has averted more than 8,700 crimes between 1992 and 1995. Mr. Shorstein is a Democrat, but his approach to juvenile justice has enjoyed widespread bipartisan respect. He has earned the support of Jacksonville's Republican mayor, a Democrat sheriff, and a Jacksonville City Council.

He has briefed Democratic U.S. Senators at their 1998 issues conference and Republican U.S. Senators at their 1998 retreat.

The juvenile justice model developed in Jacksonville by Mr. Shorstein deserves national attention. It has been featured on CBS' "60 Minutes," "The News Hour With Jim Lehrer," and "NBC Nightly News With Tom Brokaw," among many others.

Philadelphia Police Commissioner John Timoney will be joining Harry Shorstein on our second panel. The Commissioner was born in Ireland.

Won't be long until we will all be Irish. Isn't St. Patrick's Day coming up here pretty quick? [Laughter.]

He was born in Ireland and began his law-enforcement career in 1969 as a rookie police officer in New York City. The Commissioner rose through the ranks and was appointed first deputy commissioner on January 13, 1995, the second highest rank in the New York City Police Department. Commissioner Timoney was appointed police commissioner on March 9, 1998 in Philadelphia.

Although he has been a commissioner less than a year, there are already signs of his progress. Murders are down 19 percent, narcotics arrests are up 70 percent, and arrests overall are up 17 percent. One of Commissioner Timoney's most innovative reforms, Operation Sunrise, an anti-drug initiative, has resulted in 2,363 arrests, and the seizure of \$1.9 million in drugs, 73 guns, and 122 vehicles.

Commissioner Timoney is also implementing high-tech solutions to stalk criminals and reduce crime. Under his plan, police personnel input timely, accurate crime data into a computer system linked throughout Philadelphia. Analysis of the data through mapping techniques allows Commissioner Timoney to distribute his resources where they are most needed.

He has recruited a former economics professor and British police science expert under Margaret Thatcher's government, Gordon Wasserman, to assist with this high-tech program.

In the wake of the success our witnesses have experienced over the past few years, it's time to ask these questions.

How has the Federal Government impacted your success in fighting crime? Has the Federal Government hindered your crime-fighting efforts? And, if so, why? What future steps should we take to assist your crime-fighting efforts?

Today's witnesses will help the committee answer these questions. The Congress needs to know when to help, how to help, and when to step out of the way.

We need to be a partner with State and local governments, not a hindrance and not a nuisance.

I'd like to welcome all of our witnesses to the committee. We are delighted you are here with us today, and we look forward to hearing your testimony. And with that, we will start off with Mayor Giuliani.

[The prepared statement of Hon. Dan Burton follows:]

**Opening Statement of**  
**Chairman Dan Burton**  
**Hearing on**  
***Fighting Crime in the Trenches***  
**March 3, 1999**

Good morning. Today's hearing is the first in a series that will take a close look at the relationship between state and local governments and the Federal Government.

Many of the most innovative and successful public policy reforms enacted in recent years originated at the state and local levels. From crime and welfare reform to education and taxes, state and local governments have led the way in reforms. For example, much of the highly successful welfare reform law we passed in the 104<sup>th</sup> Congress was taken directly from reforms first enacted in Wisconsin by Governor Tommy Thompson. President Clinton vetoed welfare reform twice, but once the law was enacted, it revolutionized the welfare system across America. Also, in response to the Governors and Mayors, the Republican Congress curbed the practice of imposing unfunded Federal mandates which placed burdensome demands on state and local governments. And while Governor Huckabee has abolished the marriage penalty from the income tax laws in Arkansas, we are still working to eliminate the marriage penalty at the Federal level.

The successful reforms in many states and local governments have been widely reported. However, less attention has been paid to determining the appropriate role that the Federal Government should play in helping them solve their problems. So we want to hear from state and local leaders on this issue. I think it's important to learn what has enabled these leaders to govern successfully.

Over the next several months, the Committee will hold a series of hearings entitled "National Problems, Local Solutions: Federalism at Work." Through these hearings, the Committee will:

- Highlight successful and innovative reforms at the state and local levels;
- Show that many of the solutions to the problems facing America originate at the state and local levels, not in Washington, D.C.;
- Determine which existing Federal programs best assist states and cities;

- Explore new ways that the Federal Government can help state and local governments in the most cost-effective way; and
- Participate in the national dialogue regarding the respective roles of the local, state and Federal governments in addressing America's problems.

An examination of these issues fits squarely within the Committee's jurisdiction over intergovernmental relations.

The states have often been described as the laboratories for change where new policy ideas are created, developed and tested. Ideas are measured by the results they produce, and successful ideas are shared and disseminated from state to state. As new ideas are implemented and as public policy changes at the state and local levels, the Congress and the Administration must reassess the role of the Federal Government. As old assumptions and ideas are replaced by innovative and successful reforms, it is reasonable to take a fresh look at the role of the Federal Government and its relationship to state and local governments.

Today's hearing, entitled "Fighting Crime in the Trenches," is the first installment in our series of hearings that does exactly that: re-assess the role of the Federal Government. We will hear from three public officials: a mayor, a prosecutor, and a police commissioner. They have all have enjoyed great success in fighting crime at the local level.

First, we will hear from the Mayor of New York City, Rudolph Giuliani. Mayor Giuliani has been a leader in fighting crime for almost 30 years. He first served as an Assistant United States Attorney in New York. He then became an Associate Deputy Attorney General under President Gerald Ford. In 1981, President Ronald Reagan named him Associate Attorney General, the third highest position in the Department of Justice. Mayor Giuliani also served as the U.S. Attorney for the Southern District of New York in the Reagan Administration. And in 1993, he was elected the 107<sup>th</sup> Mayor of the City of New York.

The statistics describing Mayor Giuliani's first term in office are nothing short of staggering. New York City now has the lowest crime rate among the nine American cities with a population over 1,000,000. Overall crime is down 50% and murder is down 69%. Mayor Giuliani is in an ideal position to suggest ways the Federal Government can help cities fight crime.

While crime is on the decline nationally, New York City's success has contributed disproportionately to the national trend. For example, from 1993 to 1997, New York City accounted for 38% of the total reduction in the FBI Index Crimes in cities with a population over 100,000, 28% percent of the reduction in homicides and 63% of the reduction in larceny theft. In 1997 alone, 146% more crimes were committed in Detroit and 95% more in Dallas than in New York City. In other words, crime has been reduced to a far greater degree in New York City than the national average. It deserves

mention that New York City's success in reducing crime was accompanied by a 21% decrease in use of force allegations against police officers from 1995 to 1998.

On our second panel we will have State Attorney Harry Shorstein of Jacksonville, Florida, and Police Commissioner John Timoney of Philadelphia. After serving in the Marine Corps in Vietnam, for which he was highly decorated, Mr. Shorstein returned to Florida, where he gained experience as both a defense attorney and a prosecutor. He served as the Division Head in the Office of the Public Defender and subsequently as the Division Head and Chief Assistant State Attorney. Mr. Shorstein has served as the elected State Attorney for Jacksonville since 1991.

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Philadelphia Police Commissioner John Timoney will be joining Harry Shorstein on our second panel. Commissioner Timoney was born in Ireland and began his law enforcement career in 1969 as a rookie police officer in New York City. Commissioner Timoney rose through the ranks and was appointed First Deputy Commissioner on January 13, 1995, the second highest rank in the New York City Police Department.

Commissioner Timoney was appointed Police Commissioner on March 9, 1998. Although he has been Commissioner less than a year, there are already signs of progress. Murders are down 19%, narcotics arrests are up 70%, and arrests overall are up 17%. One of Timoney's most innovative reforms, Operation Sunrise, an anti-drug initiative, has resulted in 2,363 arrests, and the seizure of \$1.9 million in drugs, 73 guns and 122 vehicles.

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and British police science expert under Margaret Thatcher's government, Gordon Wasserman, to assist with his high tech program.

In the wake of the success our witnesses have experienced over the past few years, it is time to ask:

- How has the Federal Government impacted your success in fighting crime?
- Has the Federal Government hindered your crime fighting efforts? and
- What future steps should we take to assist your crime fighting efforts?

Today's witnesses will help the Committee answer these questions. The Congress needs to know when to help, how to help, and when to step out of the way. We need to be a partner with state and local governments, not a hindrance, and not a nuisance.

I would like to welcome all of the witnesses to the Committee. We are delighted to have you here with us and look forward to hearing your testimony.

Mr. OWENS. Mr. Chairman?

Mr. BURTON. Yes, sir.

Mr. OWENS. May I have a chance to make one opening statement on my side.

Mr. BURTON. Oh, yes, sir. We will be glad to—we will yield to my colleague, Major Owens, for an opening statement. And if any of my other colleagues would like to have an opening statement, we will yield to them too.

Mr. Owens.

Mr. OWENS. Thank you, Mr. Chairman. Welcome, Mr. Mayor.

I want to start by congratulating you, Mr. Mayor. As a fellow New Yorker, I applaud your leadership in lowering the crime rate in New York City. Every citizen, including my constituents in the 11th Congressional District, benefits from the comfort level achieved in neighborhoods over the past few years.

They also benefit from the improvement in the city's image, which enhances our huge tourism industry and generates budget surpluses, which one day, because I also serve on the Education Committee here, one day I hope will be used to replace some of the 250 coal-burning furnaces in public schools, which pollute the schoolyard air and add to the children's asthma crisis that we have in the city.

I also hope the surplus from the tourism revenue will one day be used to build new schools and end the widespread practice of overcrowded schools, which forces students to eat lunch at 10 a.m. because the cafeterias can only function by feeding children in shifts.

These are some of the problems I think the surplus accumulated from our successful tourism industry should be dedicated to. What I'm saying, Mr. Mayor, is that the stakes are high for all of us. When law and order are pursued with a respect for civil rights and justice, we all benefit.

However, when a preoccupation with a scorecard on crime drives the crime-fighting effort to the point of diminishing returns, then all of those benefits face the danger of sudden evaporation. One or two massive riots in any large city could overnight greatly alter the image of that city. One immediate consequence would be a drastic decline in revenue from a much-needed tourism industry.

The greatest consequence, however, of such an urban upheaval, would be the damage done to the psyche of its citizens and the poisoning of relations among its diverse groups.

My hope here is that New York City has maximized its short-term benefits from reduced crime. My understanding is, and we all applaud that—however, we face a loss of these benefits over the long haul because your administration now seems to have an obsessive preoccupation with a quest for some imaginary trophy to be awarded to the No. 1 crime fighter in the Nation.

The casualty of this obsession, is civil rights and justice in New York City. There are immediate dangers looming, and the tips of the iceberg are clearly visible in the series of unjust police atrocities that have occurred over the last 2 years.

The recent shooting of Amadou Diallo has moved the city closer to a negative climate that could be very harmful. The cases of Diallo and Abner Louima are well known. However, within the

neighborhoods where citizens feel they are targeted, the accounts of serious police abuses are endless—within my district, the accounts are endless.

First, people feel there is a strangeness there that surrounding the fact that police killings, and police atrocities of any kind, never occur with white victims in white neighborhoods. The victims are never white.

This is 1999, not 1963, but those of us who were in positions of urban leadership in the sixties, can now clearly see some unfortunate parallels. We should all read the Kerner-Lindsay Commission—called the Kerner report usually, but Mayor Lindsay was the mayor of New York City at that time and also was co-chairman of that commission.

That report talked about the alienation of large segments of a city's population and how it creates what they called two societies, and how the highly visible and dramatic police abuses in these situations always are the spark plugs to set off spontaneous violence and riots.

Before the New York City model is offered to the Nation, and I'm glad to see the positive features of that model offered to the Nation, before that is done, however, I strongly urge that you examine its weaknesses in the areas of civil rights and justice for ordinary citizens in their day-to-day interaction with the police.

The communal environment of our great city has been polluted with an extremism that must be checked immediately. I have attached a set of very familiar questions related to civilian review boards, special prosecutors to police abuse cases, and the nationwide process of requiring residency for local police.

These are logical, reasonable, common-sense demands that you have heard often, and they are often repeated. They, nevertheless, no matter how often repeated, still make good sense. It is imperative that these demands are addressed, will be addressed, if the long-term law-and-order benefit of what we have now is to continue over the long term, is to be achieved and preserved in New York City and in America in general.

And I have here five questions, and one of those questions asks for statistics, which relate to the perception of people in my district and neighborhoods like mine, who think that they are victims unnecessarily. So among these questions, which I hope you will get back to us with answers on, to the committee, are statistics on the number of parking tickets written by police precincts so we can see which neighborhoods get the most parking tickets, the number of cars towed by the police by precinct, the number of youth arrested, the number of them prosecuted by precinct, the number of whites killed in New York City by the police, the number of non-whites killed, the amount of money paid by New York City in settlement of police misconduct cases, the number of white youth in juvenile detention centers.

Some of my constituents told me the other day that they worked in juvenile detention centers and they have never seen a white youth there. Where do white youth who are in trouble go in the city? And is that another example of segregation, special treatment, that our youth are subjected to?

So these are pretty common-sense questions. Most of you heard them before. I think they are imperative if we are to go forward and realize over a long term the benefits that have been gained by the crime reduction in the short term.

The population of the city must be an ally and not an enemy.

[The prepared statement of Hon. Major R. Owens follows:]

**STATEMENT OF HON. MAJOR R. OWENS**  
**"FIGHTING CRIME IN THE TRENCHES" HEARING**  
**COMMITTEE GOVERNMENT REFORM**  
**MARCH 3, 1999**

Congratulations, Mr. Mayor. As a fellow New Yorker, I applaud your leadership in lowering the crime rate in NYC. Every citizen, including my constituents in the 11<sup>th</sup> Congressional District benefits from the comfort level achieved in neighborhoods over the past few years. We also benefit from the improvement in the City's image which enhances our huge tourism industry and generates budget surpluses which one day, we hope, will be used to replace some of the 250 coal burning furnaces in public schools which pollute the schoolyard air and add to the children's asthma crisis. We hope that surplus tourism revenue will one day soon be used to build new schools and end the widespread practice in overcrowded schools of forcing students to eat lunch at 10 A.M. because the cafeteria can only function by feeding children in shifts.

What I am saying, Mayor Giuliani, is that the stakes are high for all of us. When law and order are pursued with a respect for civil rights and justice we all benefit. However, when a preoccupation with a score card on crime drives the crime fighting effort to a point of diminishing returns, then all of those benefits face the danger of sudden evaporation.

One or two massive riots in any large city could overnight greatly alter the image of that city. One immediate consequence would be a drastic decline in revenue from a much needed tourism industry. The greatest consequence of such an urban upheaval would be the damage done to the psyche of its citizens and the poisoning of relations among its diverse groups.

My point here is that NYC has maximized its short term benefits from reduced crime;

however, we face a loss of these benefits over the long haul because your administration now has an obsessive preoccupation with a quest for some imaginary trophy to be awarded to the number one crime fighter in the nation. The casualty of this obsession is civil rights and justice in New York City. There are immediate dangers looming and the tips of the icebergs are clearly visible in the series of unjust police atrocities that have occurred over the last two years.

The recent shooting of Amadou Diallo has moved the City closer to a negative climax that could be very harmful. The cases of Diallo and Abner Louima are well known; however, within the neighborhoods where citizens feel they are targeted, the accounts of serious police abuse are endless. This is 1999, not 1963, but those of us who were in positions of urban leadership in the sixties can now clearly see unfortunate parallels. We should all read the Kerner-Lindsay Commission report about how the alienation of large segments of a city's population creates "two societies", and how the highly visible and dramatic police abuses are always the spark plugs which set off spontaneous violence.

Before the NYC model is offered to the nation, I strongly urge that you examine its weaknesses in the areas of civil rights and justice for ordinary citizens in their day to day interaction with the police. The communal environment of our great City has been polluted with an extremism which must be checked immediately.

I have attached a set of familiar questions relating to Civilian Review Boards; Special Prosecutors for Police Abuse Cases; and the nation-wide practice of requiring Residency for Local Police. These are logical, reasonable, common sense demands that are often repeated. It is imperative that these demands be addressed if long-term law and order with justice is to be achieved and preserved in New York City and in America.

**Questions for Mayor Giuliani**

1. Is the long-term crime fighting effort jeopardized when a significant portion of the population begins to question the motives of their government and subsequently becomes hostile to the police and the criminal justice system?
2. Could a Civilian Review Board which is not dominated by the Police Commissioner serve as a useful instrument for fostering more productive crime fighting relationships between the police and the citizens?
3. Since the District Attorneys must work closely with the police on a day to day basis, why is it not logical that cases of police misconduct should be handled by a special Prosecutor appointed solely for this purpose?
4. Since counties and cities across the nation have found residency requirements to be beneficial in maintaining more effective police forces, why does NYC fail to mount a challenge in federal court to the discriminatory laws of New York State which prohibit the City — and only New York City — from exercising home rule and implementing its own residency law for the police.
5. Could you please supply the Committee with the following statistics which relate to the perceptions of New York Citizens concerning uneven treatment among neighborhoods:

- The number of parking tickets written, broken down by police precinct.
- The number of cars towed by police precinct.
- The number of youth arrested and the number prosecuted by precinct.

6. Please indicate for the last four years:

- The number of whites killed in NYC by the police.
- The number of non-whites killed.
- The amount of money paid by NYC in the settlement of police misconduct cases.
- The number of white youth in juvenile detention centers.

Mr. BURTON. Thank you, Mr. Owens. We will get back to questions shortly so some of those questions you asked can be answered.

Are there further opening statements by Members of the committee, further comments? On our side? Any on your side?

Danny. Mr. Davis.

Since I'm named Danny, sometimes I let it slip and use that first name first.

Mr. DAVIS. Well, you know, we are so close together, Indiana and Illinois, and so we do that.

Mr. BURTON. OK, buddy.

Mr. DAVIS. Thank you very much, Mr. Chairman. And I certainly would like to welcome and thank the witnesses, New York Mayor Giuliani, State Attorney Shorstein, and Police Commissioner Timoney for taking time to share with us today, and look forward to your comments and insights.

It is my understanding that the panel, in all probability, will assert that the role of the Federal Government is not an appropriate one in much of the crime policy area. However, the approach to fighting crime is an issue that should not be overlooked.

I maintain that an individual is innocent until proven guilty, and this should be kept in mind at all times. However, oftentimes civil liberties have been threatened at time by police misuse, abuse, and misconduct. I know that in my own hometown of Chicago, IL, we have had several cases of concern where it is evident that there is a deepening crisis of police-community relations.

Names like Jeremiah Mearday, Jorge Guillen, and Andrew Sledd come to mind as only a few. I know that many times those in the African American and Latino communities are weighed down by the burdens of danger and fear. Our communities are visited with the plagues of crime and drugs. As we continue to struggle to overcome these plagues, we are further weighted down by an even-more devastating epidemic of police brutality.

This has caused a rising tide of disaffection and mistrust in our community justice system. Not only does police brutality directly threaten our life and safety, but it also destroys the trust and cooperation between communities and police that is necessary if we are to effectively address the problems of crime and drugs and justice.

We also need to address the issue of new controls on those who engage in police brutality and misconduct. In Chicago, for example, there are over 8,500 complaints filed of excessive force from 1993 to 1995. And almost three-quarters of the cases were never resolved.

The failure of current police procedures to address the issues of alleged police brutality have been documented well in community forums, hearings, and the newspapers.

I'd like to submit, Mr. Chairman, some of these articles for the record. I also, again, want to thank the witnesses, indicate that we look forward to their testimony, and I trust that at the end of the day, not only will we have gleaned information relative to our ability to fight crime and reduce criminal activity, but hopefully, we can also find a way to create a more harmonious relationship be-

tween those whom we expect to enforce the law and those who must abide by it.

Thank you very much, Mr. Chairman, and I look forward to your testimony.

[The prepared statement of Hon. Greg Walden follows:]

**Statement by Mr. Walden  
Committee on Government Reform  
Wednesday, March 3, 1999**

Mr. Chairman, thank you for calling this hearing to study the successes our cities, counties, and states are having in fighting crime. I share your belief that we can learn much from looking at the innovative ideas being implemented at the ground level.

One such innovation can be found in Jackson County, Oregon. There, the Jackson County Narcotic Enforcement Team (JACNET) is using intergovernmental cooperation to fight the scourge of methamphetamines that has stricken rural Oregon in recent years.

JACNET is comprised of eleven law enforcement professionals: one National Guard officer, five Jackson County Sheriff employees, three Medford Police Department representatives, one Oregon State Police officer, and one representative from the town of Central Point. The JACNET office is located in the same building as the Drug Enforcement Agency office, and works closely with the Federal Bureau of Investigation and the Immigration and Naturalization Service to further facilitate cooperation in the effort to enforce drug laws.

The results of this collaboration have been astounding. Between 1992 and 1996, there were a total of 11 methamphetamine labs seized in Jackson County; in 1997 and 1998, thanks in large part to the efforts of JACNET, there were 11 and 10 labs seized, respectively. Additionally, the number of methamphetamine arrests in Jackson County jumped from 620 in 1996 to 1,451 in 1998. This dramatic increase in the disruption of the manufacture, distribution, and use of methamphetamines is testament both to the rising use of these dangerous and destructive drugs in my state as well as the effectiveness of the cooperative methods employed by JACNET.

I would like to close by saluting JACNET as a model program in the continuing fight against drug use in our country. The federal government can learn much about the benefits of collaboration by studying the successes of Jackson County. Thank you, Mr. Chairman.

Mr. BURTON. Thank the gentleman.

Mayor Giuliani, welcome. We are looking forward to your statement. You might want to even allude to some of the questions that have been asked so far. We will have a question-and-answer session after your opening remarks.

Mayor Giuliani.

**STATEMENT OF RUDOLPH W. GIULIANI, MAYOR, NEW YORK CITY**

Mayor GIULIANI. Thank you very much, Mr. Chairman, members of the committee. I appreciate the opportunity to discuss with you some of the things that are going on in New York City and how we can improve the relationship between city government, State government, local government, and the Federal Government.

As I think you all know, New York City is the Nation's largest city. We are also the world's most diverse city; 100 languages or more are spoken in the city of New York. Every racial, religious, ethnic group and subgroup is represented in the city of New York. And it is a source of a lot of challenges, obviously, but of probably the greatest strength that the city has, that people of so many different backgrounds, so many different points of view, religions, cultures, join together in one place.

And it gives the city a vibrancy. It gives the city a culture. And it offers really a proving ground for solving human problems that's probably on a scale unmatched anywhere. Although, in many, many ways, New York City is very much like every other American city. It goes through the same sets of problems, the same sets of difficulties. The scale of our problems is sometimes larger. And sometimes when we have solutions, the scale of the solution has to necessarily be even larger.

When I became mayor of New York City, I believed very, very strongly that the city of New York was in a tremendous crisis. We had lost 320,000 jobs in a 2½-year period. That was the largest job loss we had since the depression.

If you looked at the city from the point of view of the way people looked at it from outside the city of New York—and many people shared that view inside—the city was thought of as the crime capital of America, and the welfare capital of America. It was thought of as a place that was too frightening for people to come to. And it was thought of as a place that did not offer people opportunity.

I tried very hard in the 5½, 6 years to turn that around. We began with crime. We began with crime because it was the most basic problem that we had to solve. Until people can feel reasonably secure about their well-being, then nothing else can work. Schools can't work; businesses can't work. People want to leave.

There was a poll taken in 1993, which is the year I ran for mayor, in which about 70 to 75 percent of the people in the city said that if they had a choice, they would rather live somewhere else. That represented the views of the poorest people, the richest people, the middle-class people. Roughly, all shared that same view.

Now, those numbers have roughly been reversed. That still means that there are 20 to 30 percent of the people that haven't felt the opportunity, haven't felt the change, still feel alienated.

And it's our job, city government, and all of ours, to reach them and to see if we can make them share in the turnaround that has taken place.

But it is a substantial turnaround. And I'm going to focus on one or two aspects of it.

We have talked about crime. In the area of crime, the city of New York really has had a great deal of success based upon many things. I'm going to emphasize three of them as things that can be replicated elsewhere, and much of which is being done elsewhere. It isn't just unique to the city of New York: the CompStat program, the broken windows theory, and drug enforcement. I believe that those are the three main reasons why crime is down as dramatically as it is.

The CompStat program is a program of measuring crime every single day. We have 77 police precincts in New York City. Every single day we gather all of the crime statistics from each one of those precincts. They go into a computer program. And then on a weekly, monthly, regular basis they can be analyzed. So we can determine if crime is going up or if crime is going down. And if it is going up, why? And what has to be done about it.

It allows for two things to happen. It allows for very, very intense strategic planning to take place so that in a city as large as New York, 7.5 million people with sometimes as many as 2 to 3 million visitors, you can focus on where the increase in car theft is taking place, where the increase in mugging is taking place, where the increase in rapes are taking place. And then you can develop strategies for reducing it before it becomes a major problem.

In the past, crime statistics were used after the fact. We looked at crime statistics a year after the crimes actually took place. Now we look at the crime statistics essentially the day after the crime takes place so that we don't let crime get out of control and that we can bring about crime reduction.

That's played a very, very large part in the crime reductions that have taken place.

The second is the broken windows theory, which simply means that you cannot allow things to fester for long periods of time that you might regard as small things.

Senator Moynihan described this in 1993 with the phrase that always stuck in my mind. He gave a speech in the city of New York at a time in which we were averaging 2,000 murders a year, which had become records, even for the city of New York. And he said that we were engaged in a process of defining deviancy down. What he meant by that was we were looking at deteriorating standards of human behavior: graffiti, street-level prostitution, street-level drug dealing, aggressive behavior on the streets. And we were ignoring it because we felt we had no capacity to deal with it, that we had more important problems to deal with.

So we were finding excuses and rationalizations for deteriorating standards of behavior. He called it defining deviancy down.

It seemed to me, when I listened to that, and I was planning to run for mayor then, that we had to, essentially, just reverse the ship. Rather than defining deviancy down, we should set higher standards. And we should continually try to ask people to act better, to act better toward each other, to be more civil. And if we did

that, we would start to ultimately affect even the more serious crime.

Professor Wilkens, of Harvard and later Northwestern and other universities, wrote a book about this about 25 years ago. He called it the broken window theory. It meant if you have a building and somebody breaks a window and you say to yourself, I'm too busy with my business, I'm too busy with everything else to worry about that one broken window, it is very likely that in a short period of time somebody will break another window and another window. Eventually, they will break all the windows in your building, and your building will fall down because you thought the first problem was so small you didn't have to deal with it.

On the other hand, if somebody breaks your window and you fix it right away, and you find the person who did it, and you make it clear to them that this is unacceptable behavior, that you can't destroy property of other people, and this is an important thing, then you are probably going to save your whole building. And if you keep fixing those windows right away, eventually, they will get the point.

So other cities that tried the broken window theory before New York, smaller cities, by and large, cities with populations of 100,000, 120,000, 150,000. In 1994 I put that theory in place in the largest city in America. I was faced every time we did with tremendous cynicism as to whether it could work in New York. New Yorkers love to say, "It can't work here."

And the fact is, it has worked better in New York now than in some of the smaller cities. And it means that we are improving our standard of behavior.

I have some charts. If I could show you these things in charts, it may actually illustrate things even more effectively than a lot of words.

The first chart is a chart of the total FBI index crime complaint. And what it demonstrates is that in 1998 New York City had the lowest level of crime since the FBI started measuring crime; 1968 was the first year they began measuring it. And that crime decline represents about a 50 percent decline since the time that I have been in office.

And 1998 was the safest year that New York City had since before 1968.

The second one, which is maybe even more dramatic, because it is the area of crime that unfortunately you can measure the most accurately, murder, New York City, as I said, was averaging about 2,000 murders a year in the early 1990's. In fact, we hadn't had a year with less than 1,000 murders at any time in the 1970's, 1980's, or 1990's. Last year we had 629 murders, which was the lowest number that we had since 1966.

For example, Mr. Davis, and this is not meant in any way to create a conflict with Chicago. I think you have a great mayor, and there are things you are doing in your city that I wish we were doing in our city, like the reform of the school system, which I think is a model for the rest of the country.

But Chicago, which has half the population of New York City, had 700 murders last year. And that was a decline. New York City, which has double the population, had 629.

So the city has established itself, not only as the safest large city in America, but when you compare cities with populations of 100,000 or more, I believe we are now city No. 167. So a city that was thought of as the crime capital is now seen as a place that has, to a large extent, become a much safer place.

Crime statistics for a whole city, however, are hard to measure. And I think Mr. Owens made that point before. I think that you have got to look at individual neighborhoods—you almost have to look at individual blocks. The CompStat program that we have allows us to do that.

Washington Heights in Brooklyn—in Manhattan, rather—is an area that used to be the cocaine center for the city of New York and for much of the Northeast. I had the benefit, before I was mayor, of being a U.S. attorney, for 5½ years. So I guess maybe I had a preparation in understanding where the problems were.

But this was a community that was at the center of the crack epidemic for much of the Northeast and much of America in the early 1980's. The crime rates in the 33rd and 34th precincts in Washington Heights were among the highest. And it was one of the areas of intense activity when I was a U.S. attorney, including an area in which we lost police officers to drug dealers who slaughtered them in the line of duty.

I'm very, very happy to report that, you know, crime is down in Washington Heights by even more than in the rest of the city. Washington Heights has an 80-percent decline in murder; the city has a 70-percent decline in murder.

In 1993, the year before I came into office, there were 75 people murdered in Washington Heights. Last year, there were 15. In my view, Mr. Owens, 15 is too many, but a lot better than 75 of 1993.

And the same thing is true for overall crime decline. It is down 51 percent. It means the people in Washington Heights, and that is a multi-lingual, diverse community, now can live in a lot more freedom, a lot more liberty, can pursue their own opportunities, and have a much different quality of life than they had back in 1993.

One other community, which is in East New York, the 75th precinct, which I know Mr. Owens knows well—I picked that precinct because I knew you were going to be here and I wanted to show you the results in the precinct. But also because in 1993 that precinct led the city in murders. It had 125 murders in that one police precinct in the city of New York.

Last year, it had 41, for a decline of 67.2 percent, which is a major reduction in crime. And I thank God that as I talk to you now this year, there haven't been any, which we hope continues for the rest of the year.

And there hasn't been a period of time in which there haven't been murders for this long in that precinct for something like 35 to 36 years. And we hope that that continues.

The point that Mr. Owens made before, I also tried to take a look at on a citywide basis and on a local basis, and that is, what is happening with the behavior of police officers?

Are police officers becoming less restrained? Are they acting in an improper way? Are they using their weapons more, let's say, in order to produce for us these declines in crime?

And I understand and share the shock and horror at the terrible incidents that take place when police officers act improperly, when police officers act violently, when police officers act brutally.

When I was a U.S. attorney, I not only prosecuted drug dealers and prosecuted organized criminals, during my time as assistant U.S. attorney and a U.S. attorney, I prosecuted many police officers, police officers for corruption, police officers for brutality, police officers for acting in a criminal way—and feel that they have to be held to a higher standard.

But we can't allow the understandable emotions that emerge from a horrible incident to cloud reality and to cloud truth. And we can't allow perceptions, if they are false, to overwhelm truth. Otherwise, we are really not advancing society.

The reality is, and I think this may come as a surprise to a lot of people, that the New York City Police Department, as it has reduced crime, has even by a greater extent reduced its own use of weapons, reduced its own use of force. The New York City Police Department, as it matches up with other police departments in this country, it's one of the most restrained.

In this city, for example, in Washington, DC—and again this is not meant at all, because I understand all of the internal problems. Some cities do one thing well and other cities do something else well. In this city, there is a six-time greater chance that you will be shot by a police officer per capita than in the city of New York. In the city of Dallas, there is like a four-times greater chance.

New York City is among the most restrained police departments in the country in the use of weapons and in the shooting of their guns. That doesn't mean that they can't make a mistake. That doesn't mean that some of them can't act criminally, which is tragic and unfortunate.

But it does mean when that does take place, much like if a terrible murder takes place in New York City today, between and among civilians, I could—we all could—feed into the impression that murder is running rampant in the city of New York, or we can say to people, this is a tragic, awful thing. Justice should be brought to this situation.

But the reality is that murder is down 70 percent. And whereas there used to be 125 murders here, there are now only 15. Or the reality is that there have been 75, there now only 25.

So, I hope that offers some other way of looking at this because it is enormously important, where if we are going to have reality square with perception rather than having false perceptions rule us.

Let me see if I can give you some of the reality of what has taken place in the last 4 or 5 years. While citywide arrests—if we could put that chart up—while citywide arrests have gone up to record highs, which is one of the ways in which we have also brought down crime, we arrest a lot of people, particularly drug dealers, police officers using their guns has decreased by 50 percent, by over 50 percent, almost 51 percent.

And, just to give you the actual numbers, back in 1993, there were 212 people who were shot intentionally by police officers in the city of New York. That was a time in which we had 10,000

fewer police officers. We now have 10,000 police officers, and in 1998, there were only 111 people that were shot by the police.

That's a per-capita decline of 67 percent. So, before people attack an entire police department and make it appear as if they are bringing about this level of record safety by shooting wildly, the reality is just the opposite. They have reduced dramatically, even more than they have reduced crime, the use of their weapons, the times that they shoot, and the times that they use violence with regard to effecting arrests.

Can they do better? Yes.

Should we avoid all of these incidents if we can? Yes. Yes we should.

And are we trying to do that? The answer to that is also yes.

The CompStat that I mentioned to you that measures crime in every precinct of the city based on an innovation of Police Commissioner Safir of a year and a half ago, now measures all civilian complaints, all reports of abuse. So when a precinct commander comes into the police department every 2 or 3 months and is being evaluated, in the 75th precinct, for example, with regard to what's happening to murders, what's happening to rapes, are there more car thefts, are there problems that the community is having from the point of view of crime, one of the things that is featured in that review is, have your civilian complaints gone up or down? Have your allegations of use of force gone up or down? If they have gone up, what are you doing about it? Is it a particular officer that is causing the problem? Is it a group of officers?

So I think the reduction in the use of force by police officers, which is dramatic, comes about from deliberate policies that are intended to accomplish that.

And I would be happy to answer any more or additional questions about that.

I would like to touch on quickly, two other areas, other than crime, because I think it illustrates the ways in which we can co-operate together.

One is welfare reform, which you mentioned before, Mr. Chairman. And then the other is the area of taxes.

In the area of welfare reform, we have reduced the number of people on welfare by about 460,000 to 470,000 people since 1995. We began our welfare reform program about a year and a half before the Federal welfare reform bill passed and the President eventually signed it.

It has been enormously successful. And what we are doing is trying to substitute work for welfare every place that we can and in every way that we can. And if I could urge on you and on the Members of Congress, both with regard to crime reform and welfare reform, the maximum degree of flexibility that you give us is by far and without any doubt the best way to allow us to accomplish the reduction and the changes that are taking place.

Our welfare offices by August of this year will all become job centers. Instead of the sign that used to be on the door that said Welfare Office—actually the sign used to say, Income Support Center—we are changing all the signs and we are putting up the sign that says Job Center. But it is more than just a sign.

The purpose of that sign is to turn the people inside that office into employment counselors. And when you walk into a Welfare Office now in New York City, and you ask for welfare, out of compassion, understanding, and a much, much higher form of wisdom, we ask you: "What kind of job would you like? What have you done? What's your work history?"

If you have a work history, we try to followup that work history with finding you a job in the area in which you have a work history. If you don't have a work history, we try to create one for you so that you begin to have a work history because that is the only way in which you are going to get a job. And we are, to the largest extent possible, trying to turn our welfare offices into employment offices.

The change has been dramatic. The welfare numbers are down below 700,000 since in the first time since the 1960's; we went to a million people on welfare in 1970 and virtually stayed forever. But the most dramatic change that I can't measure for you, and I would invite you to come and see it.

I would invite you to come to the job centers, take a visit, have them take you around and talk to the people who work for the city of New York in the job centers now, the people who work for our Human Resources Administration. And what you will find is, that they now have a very, very positive, very refreshing outlook about their work, which used to be very depressing work 5 or 6 years ago.

Just registering more and more people for welfare doesn't give you a sense of accomplishment. It gives you a sense of helping, but it doesn't give you a sense of accomplishment. Finding jobs for people, having competition between job centers that used to be welfare offices over who can find jobs and who can find them more quickly, and which jobs are the most lasting, creates a real sense of positive attitude. You are really helping someone. I think this is something in which we need to make further refinements, because a lot of the regulations that used to exist in the Federal agencies that administer welfare have not been changed, even though you changed the law.

They still impose enormous mandates on us, enormous burdens that should not exist, and tremendous contradictions between the prior philosophy, which was largely to encourage people to be on welfare, and the present philosophy, which is, welfare should exist, it should be there, it should help people who need help, but our first endeavor should be to have people help themselves, that we should, in essence, fight hard to keep people from dropping out of the work force. Because if we do that, we give people a chance to take care of themselves.

And although you changed the law, and the reform is taking place, some of the Federal agencies have not changed the regulation. So that creates a real problem, I think, not only for New York City but for a lot of communities in the city.

And I will reserve my comments on taxes and some of the further comments that I have on some of the questions that came up

from you and from Mr. Owens, until later, when we get to the questions.

But thank you very, very much for this opportunity to address these issues.

[The prepared statement of Mr. Giuliani follows:]

MAYOR RUDOLPH W. GIULIANI  
 TESTIMONY BEFORE U.S. HOUSE OF REPRESENTATIVES  
 COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT  
 Wednesday, March 3<sup>rd</sup>, 1999  
 Check Against Delivery

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- Thank You, Chairman Burton (R-Ind). I am honored to be able to address the committee today on the reforms and initiatives we've put in place in New York City, which have brought about a renaissance in New Yorkers' quality of life.
- New York City is the nation's largest and most diverse city. And with over 34 million visitors a year, we tend to symbolize the state of urban America to the world. In the early 1990s, our city was suffering over 2,000 murders a year. We had lost 320,000 jobs between 1990 and 1993 and more than one seventh of the City's population - 1.16 million people - was on the welfare rolls. We were facing a \$2 billion budget gap and the City's only plan to respond to this crisis was to raise taxes and ask the federal government for more money.
- Twenty years of poor management and one-sided political debate in urban America had come to this: Cities had ceased to be the most innovative laboratories for change and innovation in government.
- But every challenge represents an opportunity. And throughout the mid 1990s, a new breed of independent-minded Mayors spurred crime reduction, job growth and economic development in cities like Los Angeles, Indianapolis, Philadelphia and many others. We've learned from each other's successes. The result has been that urban America is again one of the country's most vibrant sources for solutions and innovations in government.
- I'm here to talk to you today about the ways in which we've improved the quality of life in our city. Our significant successes in crime reduction have provided a foundation on which we've been able to build substantial improvements in every area of city life. While I understand that the focus of today's hearing is on crime reduction, future hearings by this committee will deal with welfare reform, education and taxes. And so, while I will devote the majority of my testimony today to crime reduction, I'll also touch on those other areas that have played an instrumental part transforming the philosophy, spirit and quality of life in our city.

## **CRIME REDUCTION**

### **WHAT WE'VE ACHIEVED**

- Crime in New York City is now at its lowest level in three decades. Where once we were considered the crime capital of the nation, New York is now the safest large city in the nation, according to FBI statistics.
- Over the last five years, overall crime in New York City has declined by 50 percent. Our progress in reducing murder has been even more dramatic. Over the past five years, we've seen a 70 percent decrease in murders, to the lowest annual total since 1963.
- And I'm particularly proud that it is some of our City's least affluent neighborhoods that have seen the most dramatic decreases in crime. For instance, Crown Heights, in Brooklyn, has seen an 89 percent reduction in homicides over the past five years.
- These dramatic results have brought police departments from around the country and around the world to New York City to study the changes in philosophy and strategy that have accompanied our historic reduction in crime.

### **THE PHILOSOPHICAL SHIFT**

- In the early 1990s, as murders exceeded 2,000 a year and crime, drugs and gangs became a fact of daily life for many New Yorkers, a sense of deep pessimism set in. The City's politicians seemed to prefer rationalizing the city's crime, rather than addressing it directly. In turn, many citizens felt a sense of helplessness and frustration as they were denied the ability to live in freedom because of pervasive crime, drugs and gangs.
- When my administration took office in January of 1994, we realized that we would have to address both the reality of crime and people's fear of crime in order to significantly improve New Yorkers' quality of life. Application of the Broken Windows theory in our basic policing strategies helped us do both.
- As many of you know, the **Broken Windows** theory states that when a window in a neighborhood building is broken and no one repairs it, that sends a subtle message that it is acceptable to destroy property. In time, all the windows of that building are knocked out. Residents and passersby notice this and begin to feel that vandals are more in control of the streets than law-abiding citizens. Criminals notice this as well and they start to move in as businesses and families move out. This is a dramatic illustration of a phenomenon that has affected urban centers across our country over the last 30 years. The Broken Windows theory essentially says that the small things matter. Respect breeds respect – for the law and one another.

#### SUCCESSFUL STRATEGIES

- Our **CompStat** system – which utilizes computer statistics and pin mapping to analyze crime trends and allocate police resources – is the centerpiece of our efforts to increase accountability for and responsiveness to crime reduction in New York City. Each week, the Police Department collects crime statistics from every precinct, which are then loaded into a comprehensive data base that the police commissioner can examine instantaneously, as well in the semi-weekly meetings that he holds with precinct commanders. This system works in sharp contrast to previous years, when crime data was unavailable until months after the crime trends it detailed had occurred.
- Since CompStat ensures accurate and timely intelligence, it gives us the information to rapidly deploy personnel and resources around the city. For example, if there is an increase in auto-thefts in a certain neighborhood, we're able to send in an anti-auto theft squad the next day. We're able to stop a crime trend before it becomes a crime wave. Consequently, we no longer have a reactive, but a pro-active Police Department in the City of New York.
- CompStat also helps us answer the important question of how we measure our successes in fighting crime. It used to be that the Police Department measured its success by the number of arrests it made. But the public's reasonable expectation of the police force wasn't just that it make arrests, but that it make people feel safer. Therefore the proper measure of success for the Police Department should have been total crime reduction. CompStat helps us measure crime reduction in quantifiable terms at the same time that it allows us to hold precinct commanders accountable for the crime in their neighborhoods.
- Over the past two years, under Police Commissioner Howard Safir's guidance, we've also used CompStat's resources to follow through on civilian complaints. In the semi-weekly CompStat meetings precinct commanders are asked to account for the civilian complaints directed toward their command. The accountability is yielding results: civilian complaints have fallen across the city. To date we've conducted 7,000 field tests of officers' courtesy and professionalism. This is a further indication that the NYPD's Courtesy, Respect and Professionalism training has moved from an instructional to a practical program whose effectiveness can be measured. In addition to these efforts, the Department has conducted 800 integrity tests, which serve to root out corruption and dishonesty within the NYPD.

- CompStat has given us the information to successfully implement specific targeted crime control strategies including:
  - One of our earliest focuses, **taking guns off the streets and out of the hands of criminals**: Every time an arrest is made involving a gun, the department investigates how the suspect acquired the illegal weapon. Through tracking down the weapon's history, we're able to remove additional guns from the streets. Our efforts to reduce the number of guns on the street has led to a reduction in handgun-related homicides from 1500 in 1992 to 363 in 1998.
  - **Aggressive and innovative anti-drug strategies**: I gave extensive testimony last Wednesday to the Sub-Committee on Criminal Justice, Drug Policy and Human Resources on our efforts to combat drug use in our City. We use a combined approach of law-enforcement, treatment and education. The centerpieces of the law-enforcement component are our **Anti-Drug Enforcement Initiatives**. To date we've put 13 of these initiative zones in effect throughout the five boroughs of the City, including four - in South Brooklyn, Northern Queens, Central Bronx and East Harlem - that began in February. We've used CompStat data to establish which neighborhoods would benefit the most from expanded anti-drug efforts. And in the areas where our anti-drug initiative zones have been in effect, we've seen the crime-declines outpace citywide decline. Over the past year, precincts with new anti-drug enforcement initiatives saw crime drop over 16 percent, with a 22 percent decline in shooting incidents. Compare those declines to the substantial, but lower, citywide drops of 10.5 percent in overall crime and 8.2 percent in shooting incidents.
  - **Enforcing Quality of Life Crimes**: In accordance with the "Broken Windows" theory, we've worked to help communities to reduce the number of quality of life violations, including graffiti, illegal sex shops, aggressive panhandling, public drinking and unreasonable noise. As a result, civic pride is thriving in our City, along with the local economy. Crime reduction has proven to be the most effective economic development initiative the city could hope for.
  - **Police Restraint**: As the NYPD has reduced crime it has actually become even more restrained in its use of firearms, in every way that can be measured. In 1993 there were 212 intentional shooting incidents involving officers; in 1998 there were 111. That translates to a decrease of 47.6 percent over a period of time in

which the number of sworn officers increased by 35.7 percent. That results in a 67.2 percent decrease per officer.

- And while the number of arrests between 1995 and 1998 increased from 309,587 in 1995 to 403,659 in 1998, the number of shots fired by police officers in that time decreased from 1,728 in 1995 to 856 in 1998. To put that another way, while citywide arrests have increased by 30.4 percent over the past four years – meaning that the NYPD's activity has increased significantly – the number of shots fired by police officers decreased by 50.5 percent.
- The facts bear witness that the NYPD is one of the most restrained big city police departments in the United States. A 1998 article in the *New York Times* reiterates this point, saying, "Despite a Hollywood-inspired perception that the New York City Police are quick to use gunfire to fight crime, FBI statistics show that city officers actually shoot civilians far less frequently than their counterparts in other major cities." This includes Miami, Dallas, Philadelphia and here in Washington D.C., where officers are six times more likely to be involved in a fatal shooting than members of the NYPD.

#### THE FEDERAL GOVERNMENT'S ROLE

- The most significant federal contribution to our fight to remove crime from our streets was the **Violent Crime Control and Law Enforcement Act of 1994**. I was a strong advocate for the passage of that bill because I was confident that it would give local governments new tools in the fight for public safety.
- Adding 100,000 new police officers around the country obviously has contributed directly to the nationwide crime drop. But it is important to emphasize that simply hiring new police officers does not by itself effect a turnaround in crime. What matters is how the new officers are deployed. Results are seen when resources are used in a specific, strategic manner.
- As we look ahead, the federal government should recognize that localities like New York City have been very successful in reducing crime and that it is usually innovative local solutions that have proven most effective in affecting crime reduction. Therefore the federal government should expand its efforts to institute flexible funding that is unattached to federally mandated programs – such as is provided by the Local Law Enforcement Block Grant Program. Instead of mandating payments to localities tied to specific programs, the federal government should be looking to fund results. The Clinton Administration's "21<sup>st</sup> Century Policing Initiative," which extends and builds upon the effects of the landmark 1994

Crime Bill, is an additional step in the right direction, and the City of New York strongly supports it.

### **WELFARE REFORM**

#### **WHAT WE'VE ACHIEVED**

- Over the past five years, we've reduced the welfare rolls by more than 450,000 -- that's more than the entire population of Charlotte, North Carolina. Our welfare to work program is the largest and most successful in the nation, and we're returning the work ethic to the center of city life.

#### **THE SHIFT IN PHILOSOPHY**

- Throughout the 1960s, 70s and 80s, the Human Resources Administration, which manages public assistance in New York City, seemed to gauge its success by the size of the welfare rolls. That was a reflection of a political philosophy that saw welfare as a way of life, rather than a way to a better life. The welfare rolls in New York City went above 800,000 in 1968 and stayed above that level every day, month and year until February of last year. Clearly, rewarding the Human Resources Administration for maximizing the number of people on welfare was not the right measure of success. Just as the public reasonably expects the police department to reduce crime, not just respond to it, the right measure of success for the agency in charge of public assistance shouldn't be how many people are dependent on welfare, but how many people that agency moves off welfare towards work and self-sufficiency.

#### **SUCCESSFUL STRATEGIES**

- When I first took office there were 1.16 million people on the welfare rolls in New York City. When we began our welfare reforms in 1994 and 1995, we knew that we had to restore integrity and accountability to the system. We instituted an **eligibility verification review**, consisting of finger-imaging, home visits and financial background checks -- to make sure that only the people eligible for public assistance were receiving it. Before we began these reviews 80% of the people who applied for public assistance received it; now that number is under 50%.
- Our **workfare** program is designed to reinforce the social contract, the value which says that for every right there is an obligation, for every benefit, a duty. We've changed our welfare offices to **job centers** and seek to place every applicant for public assistance in a private sector job. Each job center has extensive resources designed to help applicants find employment, such as constantly updated job listings and résumé workshops. If no private sector job is available, applicants participate in the city's **Work Experience Program**, working to improve the quality of life in our city.

## **TAX REDUCTION AND JOB GROWTH**

### **WHAT WE'VE ACHIEVED**

- For decades, New York City government cultivated an anti-business philosophy that attempted to manage the City's economy rather than allowing it to flourish on its own strength. Political leaders rationalized the City's burdensome tax policies and continued to raise taxes every time the government needed a surge in revenue – which it frequently did, because of chronic fiscal mismanagement and unchecked growth in City government – often driving businesses and residents away in the process.
- Between 1990 and 1993, City government imposed repeated record tax increases on New Yorkers, and not coincidentally the City suffered the loss of 320,000 private sector jobs. In 1993, faced with a \$2.3 billion deficit and a private sector deeply in need of relief, City government proposed further tax increases.
- Since 1994 we have worked to bring our fiscal house in order through consistent efforts to make City government more efficient and accountable. Targeted tax reductions have been a central part of our strategy. Over the last five years, we have cut taxes by more than \$2 billion – far more than any other administration in the history of the City, and our economy is much stronger as a result. Within five years of inheriting a \$2.3 billion deficit, the City had accumulated a \$2.2 billion surplus, and to date we have recovered nearly 300,000 of the jobs we lost in the early 1990s, marking the City's strongest five year private sector job gain on record.

### **THE SHIFT IN PHILOSOPHY**

- New York City has returned to its proud heritage of being a pro-business city that understands that when businesses thrive, people thrive, and vice-versa.
- We've changed the terms of the debate surrounding taxes in New York City. Now, instead of the Mayor and the City Council discussing which taxes to raise and how much to raise them, the Council and I discuss which ones to reduce and by how much.
- Our successes have repudiated the old philosophy that government should raise taxes in order to generate revenue, by proving that tax reductions spur private sector growth, and can even result in more revenue for government.

### **SUCCESSFUL STRATEGIES**

- When I came into office, New York City had one of the highest hotel occupancy rates in the nation. We were losing convention business and damaging the tourism industry, which is a fundamentally important part of our economy. At the same time many people were saying that New York City had too many hotel rooms to support its tourist base. When we suggested reducing the tax, people argued that at a time when our City was faced with a crippling budget deficit, taxes should be raised to

increase revenue, not decreased. But I never believed that a City could tax its way to prosperity.

- In late 1994, in cooperation with New York State, we reduced the Hotel Occupancy Tax by 31 percent, and from this smaller tax the City now sees nearly \$60 million in additional revenue annually. Today conventions and tour groups come in much greater numbers to New York. And New York City has had four consecutive years of record tourism, with over 34 million people visiting the City last year. In fact, now there is widespread agreement that New York City has too few hotels, which led to the recent opening of the first new hotel in Brooklyn in 50 years.
- We've extended this philosophy by reducing or eliminating 10 separate taxes in order to give businesses a clearer and more transparent tax system. For example, in fiscal year 1993, 81,400 businesses paid the commercial rent tax; in fiscal year 1998, after we raised the threshold of the tax and eliminated it completely in parts of Manhattan, as well as in the other four boroughs of our City entirely, that number dropped to 12,300.
- The result is a private sector that is free to surge forward on the strength of its potential. In fact, last year's job creation total of 84,000 is the highest the City has experienced since we began keeping such records in 1951.
- As a city that is constantly looking for improvements and innovation, we're not finished with our targeted tax reductions. That's why in January, I announced the formation of a Task Force on Tax Reform, which will further restructure our city's tax system with an eye toward not only reducing taxes, but cutting the sheer number of taxes as well. We are confident that these actions will make New York City's tax system as streamlined, transparent and competitive as possible.

#### **THE FEDERAL GOVERNMENT'S ROLE**

- Our experience in New York has shown that you can reduce taxes and spur job growth. I encourage the Congress to study at our successes and apply them, when appropriate, to their efforts to reduce taxes responsibly, while keeping the nation's economic house in order.

#### **EDUCATION**

##### **WHAT WE'VE ACHIEVED**

- Under the leadership of New York City Schools Chancellor Rudy Crew, our ongoing efforts to bring accountability and high standards of performance to the nation's largest school district have borne results. Reading and math scores are up citywide. Morale is higher than it has been in a generation. Strategic instructional initiatives are providing new opportunities for our children. We've finally achieved

a school safety plan that will protect all the children in our schools by training and recruiting our school safety officers through the NYPD. For the first time in a decade, the number of new school seats added has outpaced the number of new students. On the state level, the passage of charter school enabling legislation will further our goals of more options, increased opportunity and greater accountability in New York City's school system. And in the same spirit, the Chancellor is moving to establish a pilot parental-choice program in one New York City school district. But much more still needs to be done.

#### **THE SHIFT IN PHILOSOPHY**

- Public schools exist to educate our children. But for too many years, layers of bureaucracy and middle management diverted funding and attention from this basic and essential mission. In New York City, we are engaged in a struggle that is being replicated all across the nation. It is a fight to reassert that the primary purpose of our schools is the education of our children, not job protection.

#### **SUCCESSFUL STRATEGIES**

- Ultimately, the best way to permanently improve the quality of New York City's education system would be to dissolve our central board and 32 community school boards and to put in their place a commissioner of education – appointed by the Mayor with the advice and consent of the City Council – with a minimum of middle management and a value-added board modeled after corporate boards. The system would be modeled on Chicago's, where greater accountability has yielded real results.
- But while the opportunity for such a complete reinvention of the New York City school system has not yet occurred, given the current obstacles – including the terrible system of principal tenure – we have made great strides in increasing the opportunities for our students by working to streamline the bureaucracy that surrounds public school education. One way we've done this is by funding specific, targeted educational initiatives like Project Read, Project Arts and Project Smart Schools whose progress and effectiveness we can constantly measure, rather than simply providing more and more money to the Board of Education without strategic performance criteria in mind.
- **Project Read** is a literacy program that reaches more than 130,000 students citywide in after-school and intensive school day programs. Students in the program boosted their reading scores on our citywide reading test by 3.9 percentage points last year – an improvement 60 percent greater than the average reading improvements that have occurred citywide.
- **Project Arts** has brought arts education back into New York City's public schools. We've hired 750 new arts teachers over the past two years and by the end of next year arts education will be implemented in every school in the City.

- **Project Smart Schools** has equipped over 4,500 middle school classrooms and 182 middle school libraries with approximately 17,000 computers. By August of this year we will have installed an additional 13,000 computers, giving computer access to all 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> grade classes in the City.
- New York City has also instituted **school-based budgeting**, which allows parents and all taxpayers to see where their tax dollars are going. It's a strong step in the right direction towards bringing fiscal accountability to our more than \$9 billion school system.

#### **THE FEDERAL GOVERNMENT'S ROLE**

- Our success in establishing measurable initiatives that improve our children's education – like Project Read, Project Arts and Project Smart Schools – has proven the effectiveness of flexibility in federal funding for education. And I'm encouraged by the Congress' movement toward increasing the flexibility given to state and local governments in spending federal education funds.

#### **CONCLUSION**

- Ultimately, local governments can be responsive to the particular needs and challenges of their communities in ways that the federal government cannot. There are no "one size fits all" solutions to the problems that are facing America. But there are specific initiatives and philosophical approaches that have proven their effectiveness in cities around the country. More flexible funding from the federal government – especially in the form of block grants – can be very helpful in making sure that these solutions reach the maximum number of Americans. Local innovation should be encouraged by legislation and studied as part of the national discussion on how to best meet the challenges that we face. That is the admirable goal of these hearings and I thank the committee for giving me this opportunity to share with you some of our successes in New York City.

###

Mr. BURTON. Well, thank you, Mr. Mayor. I just hope that everybody in America gets a chance to go to New York and see first hand the fantastic results that have been achieved under your administration. I do not want you to take conventions away from Indianapolis, but at the same time, I do think people ought to be aware of what you have been able to accomplish because it is really sensational.

I cannot tell you, my family and I were there visiting, along with some of our friends, and we had always heard that you couldn't be safe in downtown Manhattan. You get around Broadway, the porno shops and everything, you had to be very, very careful. And it was just the opposite. There was a policeman on every corner. They were courteous. We didn't feel any danger whatsoever. And I was just amazed. I didn't think things could change that much.

So you are to be congratulated.

Mayor GIULIANI. Come often and spend a lot of money.

Mr. BURTON. Spend a lot of money, yes. I don't have a lot of money, but I will come often if I get a chance.

Mayor GIULIANI. Whatever you can spend we appreciate. [Laughter.]

Mr. BURTON. All right. I do have a few questions I would like to ask, however.

You said that you had 320,000 jobs lost in a 2-year period, and that's been completely reversed since your administration took office. Briefly, could you tell us how you did that?

Mayor GIULIANI. The turnaround in jobs, which I have in front of me here, is really based on many factors. I think the crime reduction has a lot to do with that. I think we were losing jobs because people were afraid to put their business in the city of New York. Or they were leaving the city because they were afraid.

I also think we had a tax policy that was destroying the private sector. So one of the things that I began doing in 1994, at a modest level and then increased dramatically as the city's fiscal health improved, was tax reduction. I reduced taxes by \$34 million the first year, \$200 million the second year, and now the tax reductions are at \$2.4 billion.

So we put money back into the private sector. The hotel-occupancy tax was the best example of about 10 examples. We had a hotel-occupancy tax that was the highest in the country. We were, in fact, losing all of our conventions, not only to Indianapolis but to every city in the country, because nobody wanted to pay our hotel-occupancy tax.

In the first year that I was in office, I persuaded the City Council and the State Legislature to cut it by 33 percent. And now we collect about \$70 million to \$80 million more from the much-reduced hotel-occupancy tax than we used to from the higher one.

Mr. BURTON. You know, I—

Mayor GIULIANI. And jobs are up dramatically in hotels and restaurants, by about 20 percent.

Mr. BURTON. That is a point that I hope everybody gets very clearly across this country. When Ronald Reagan cut taxes in the early 1980's, we were bringing in about \$500 billion in tax revenues annually. And all I heard around here was, my gosh, it's going to cause the depletion of our tax revenues. But because it

stimulated economic growth, we almost tripled the amount of tax revenues in 3 years. It went to \$1.3 trillion from \$500 billion.

And you make the same case. When you cut the taxes, you brought more industry and business into New York City, and therefore, you brought in more tax revenue because there were more people producing taxes.

Mayor GIULIANI. One of the things that we are trying to do now, is to eliminate the sales tax in the city of New York. And we have persuaded the State legislature to eliminate it on clothing purchases of \$110 or less, which will help the citizens in the city who are the poorest. It's a big burden on them.

But eliminating the sales tax on clothing would be the best jobs program that we could possibly create. Much healthier than the jobs programs that used to come out of Congress and that used to be forced on cities and States, that I used to investigate as a U.S. attorney and put people in jail for defrauding.

And a jobs program that says, no sales tax in the city of New York means 20,000 more jobs, 25,000 more jobs in department stores, retail stores, outlets. And those are good entry-level jobs when you are going through a welfare-to-work change in New York City or in America.

The tax reduction can help. It can be the most effective form of a jobs program.

Mr. BURTON. You just had a moratorium for 1 or 2 days, didn't you, on sales taxes in New York—

Mayor GIULIANI. We had a moratorium—as part of the effort to convince the State legislature to eliminate the sales tax on clothing purchases, we did four pilot programs, 4 weeks over a 2-year period in which we eliminated the sales tax or we eliminated at a certain threshold level. And in those weeks, sales increased from 50 to 250 percent in our stores.

The main reason that I want to do it is in order to produce more jobs. If the store could count on an increase of 10, 15, 25 percent more in revenues, it can hire more people. And therefore, the transition we are going through, 450,000 fewer people on welfare, the growth of 300,000 private-sector jobs during that same period, we could match the reduction with the growth in jobs.

Mr. BURTON. So by reducing the sales tax during that brief period, you increased from one- to fivefold the amount of people that were buying products in New York City.

Mayor GIULIANI. Absolutely. And that offered the—it was a very hard sell for a lot of reasons internal to the politics of New York City, which is not all areas of the State can reduce the sales tax or eliminate it. But we at least got the elimination of the sales tax on clothing purchases of \$110 or less.

What we are trying to get, just do away with it completely on clothing, and we could see a big jump in employment.

Mr. BURTON. I see my time is running out. Let me just get back to the issue I wanted to talk to you about in general, and that is crime. What can we do at the Federal level in Congress to assist you in helping continue to bring down those crime rates and those crime statistics in New York City?

Mayor GIULIANI. The more of what you do in the area of block granting and discretion given to local communities, the better.

When you did the crime bill, you made a change that was very important to the city of New York. You allowed us to include civilians in the hiring of police officers. That was enormously important to us because we had a lot of police officers, but we needed civilians.

That kind of flexibility is important, and the more often you can do block grants, the better off we are going to be.

Probably the area where the Federal Government could help the most, and where there is the greatest lack, is in the area of drug enforcement, both from the point of view of using our authority through foreign policy and our ability to persuade much more effectively than we have. And in the area of border enforcement, assistance in terms of drug enforcement all throughout the country. That's an area where I don't think the same emphasis has been there that used to be there, particularly with making it a major priority of our foreign policy.

The State Department should be talking about drug enforcement and agreements with countries about reducing the crops and the trans-shipment countries cooperating with us. They should be talking about that as much as they are talking about international trade, border disputes, because it is as important to our future and to our children's future as any of the other things that we are engaged in.

And after all, foreign policy is the art of trying to enforce what is needed for your country into the policies and programs of other countries, through persuasion, if you can, through, more than that, if you have to.

Mr. BURTON. Mr. Owens.

Mr. OWENS. Yes, Mr. Chairman. To stay on the high road, let us all recognize that tourism is one of those areas where we get back some of that tremendous amount of money that flows overseas to foreign countries. And we would like to see more of our money flow back to this country via tourists visiting.

We will make a deal with you and recommend all the foreign tourists coming in that their second stop be Indianapolis. If you want a deal?

Mr. BURTON. How about 50-50? You take half, we take half. [Laughter.]

Mr. OWENS. It is important that we understand our big cities are the primary place that tourists go. They are major features of American culture. I would like to see our big cities survive. I would like to see our big cities thrive. I would like to see the experiments in diversity succeed and get good results. That is the reason I want to engage in this dialog with you, Mr. Mayor, because we have a problem in terms of perception, you know.

When I perceive smoke, there is fire somewhere. The reality is that there is fire somewhere.

We ought to take perceptions into consideration, knowing full well that they don't really reflect reality, necessarily. But the perceptions are important.

Dealing with perceptions may be over-exaggerations based on highly visible, atrocious cases. When someone is shot down with 41 bullets fired, you know, it sets off a chain reaction of emotions that is hard to contain.

Would it cost much for the city to have a safety valve through an effective civilian-review board? This is not anything new. You have heard this proposition many times. And mayors before you have heard it many times.

A civilian-review board, which is effective because the people feel it is really going to reflect the decisions of the civilians. That you don't have a veto by the police commissioner which abrogates the whole thing, you know. Nobody has the faith in the civilian-review board that has veto by the police commissioner or that has its budget greatly reduced or to be ridiculed by the mayor.

So a low-cost remedy for perceptions that may get out of control, it seems to me, would be a civilian-review board.

On the appointment of a special prosecutor, it is just common sense to say that district attorneys work with police everyday. The likelihood that they are going to be objective in the prosecution of police is nil, I mean, as hard as they may try.

Our former colleague here, Elizabeth Holzman, was district attorney of Brooklyn, she set up a special unit to investigate police-brutality cases. And they put 5,000 policeman around her office the next day.

The police demonstrated—5,000—around her office. To give you a visible markup of what that kind of intimidation can do. So special prosecutors for these cases seems to me a reasonable remedy. And we have been asking for this for the last 25 years.

Let's have dialog and move on with it.

The residency requirement. Now towns and cities across the Nation have residency requirements. In New York State, there are residency requirements in many counties and cities. But New York State Legislature discriminates against New York City and will not let them have home rule and impose a residency requirement, where you reduce the likelihood, or you greatly help the situation, by having more police who live in the cities, live in the neighborhoods, and are not suspected by the population of treating them with contempt because they come from outside. They make all kinds of remarks. They really don't know in many cases the culture, etc.

I think three of the policemen in the Amadou Diallo shooting were from outside of the city. That strikes me as strange. And also, they were mostly young people. The oldest was 27, and so they have life and death decisionmaking over people in the streets. And it was a very young group—inexperienced.

One of them came from the New York, East New York precinct that you just mentioned. And he shot a young man out there, and that young man had been allowed to bleed to death. And he had no life-threatening wound, but they didn't treat him right away. So he bled to death.

All of these facts examined by the public, it adds up to a certain set of perceptions that are very serious. So could we not deal with that?

And then I asked for some statistics that you might provide us with. Obviously you have the statistics so, by precinct. So people who complain that we are getting more parking tickets in our neighborhood than they are in other places, and other parts of the city are allowed double parking. Nobody ever gives them a ticket.

But we have all these tickets. The number of cars towed away as people try to reach their quotas in cars towed away, to create more revenue for the city. It is greater in our neighborhoods than they are. The number of youths arrested and hassled on the street corners are greater, etc., and some of the other questions. I will submit them to you.

And then most of all, the question of you must deal with the fact that whites are almost never the victims of police brutality, or certainly police killings. We have very few records of whites being victims. And that creates a perception which you have to deal with also.

Mayor GIULIANI. That was a lot to deal with at one time, but I'll just try, and I'll submit answers—

Mr. OWENS. Mr. Mayor, if you need more time when the light goes out, go ahead and finish. [Laughter.]

Mayor GIULIANI. The first thing I can assure you, although this I do not have the statistics on, that people throughout the city of New York feel they get too many parking tickets. I get that complaint—I do a radio show every week between 11 and 11:45 on WABC, a local station in New York. And one thing that can be said, is fair, impartial, equitable, and across the board is we give out a lot of tickets all over the place. And they all blame it on the mayor. Every community, ethnic, religious, racial of all different kinds and mixed complain about parking tickets.

But I honestly don't know, I have never looked at, which I get so many complaints about it, I just have an intuitive feeling that that goes on—

Mr. OWENS. They do collect statistics by precinct?

Mayor GIULIANI. Oh sure. I'll get that for you.

Let me take up a few of the things that you mentioned. First of all, the percentage of police shootings, and we have gone back to 1991 to 1998. But I can assure you, and I will submit the statistics to you, that it pretty much breaks out about the same every single year.

Over the last 7 years, when there has been a police fatality, police shooting that ended up in a fatality, about 50 percent of the victims have been black, about 13 percent have been white, about 36 Hispanic, and about 1 percent Asian.

Now, when you look at shootings in society, in other words, what is going on in New York City, that is almost exactly the same as the percentage of shootings that take place in the population.

Over that same period of time, 49.5 percent of the people who were murdered in New York City were black, 35 percent were Hispanic, and 11.6 percent were white, and 2.5 percent were Asian. And the reality is that as a percentage, police officers, slightly more, actually shoot white people than they are shot in society, if you understand what I am saying. I can give you the chart.

Then if you look at people arrested for murder, 54.5 percent arrested for murder between 1991 and 1998 were black, 35 percent were Hispanic, 7.5 were white, 2.6 were Asian, and 5 percent are unknown. And that spans the administration of two different mayors, Mayor Dinkins and myself.

So when you try to take a look at police officer shootings, you say to yourself, well, a police officer is shooting blacks in a higher per-

centage than the shootings are taking place throughout the entire city, the answer is no, it is about exactly the same.

Mr. OWENS. The statistic I asked for accidental shootings, not criminal cases——

Mayor GIULIANI. I will submit this all to you, but I can assure you these numbers work out about the same. And if you will look at the raw numbers, that means that from 1991 to 1998, police officers in fatal shootings shot 100 blacks, but 5,553 blacks were the victims of murder during that period of time. Both worked out to about 50 percent.

So it doesn't look like police officers are shooting blacks, over a 7-year period, in a higher percentage than is happening in society. The only difference is, police-officer shootings of blacks or anybody else are infinitesimal in comparison with the number of times that somebody else in society murders them: 5,553 blacks were murdered in New York City; 100 were fatally wounded by the police. That is a very big difference.

Mr. OWENS. You are mixing criminal cases with accidental shootings of victims like Amadou Diallo, Eleanor Bumpers, and the people who obviously were not criminals.

Mayor GIULIANI. The percentage goes down even more dramatically. It goes in the other direction.

Mr. BURTON. Let me interrupt just a second, Mr. Owens. We will have a second round of questioning if you would like to have it. But why don't we let him complete——

Mayor GIULIANI. On the civilian-review board, we do have a civilian-review board. I have increased its budget over the last 2, 2½ years. I have increased the number of investigators that it has. Not only that, we just added 13 senior investigators to the civilian-review board so that we could have a much higher level of investigatory talent there. They are disposing of their cases about three times as fast as they have in the past.

And, the number of civilian complaints in the city is no where near the all-time highs that we used to have in the mid-1980's of 6,000 and 7,000. And between 1996 and 1997, which is the last statistic that I had, they actually went down 13 percent.

So I think the civilian review board, which is civilian controlled, not police controlled, independent, is doing its job more effectively than it has in the past. I don't agree that they should ultimately have the disciplinary authority. I think they can make the recommendation. I think you are going to destroy a police department if you take the disciplinary authority away from the police commissioner.

And this police commissioner, police commissioners say for prior police commissioners in New York City, have not been unwilling to dismiss police officers. We had a very tragic, unjustified killing in New York City by a police officer named Livotic. And he was acquitted, you might remember, by a court in the Bronx. He was dismissed by the police commissioner. So the police commissioner has shown that he has dismissed many, many people on civilian complaints that turn out to be justified.

Then when you ask me about residency, I agree with you that the Police Department of New York City should be representative of the city of New York. It is better that it be representative.

We have done everything within the law to allow us—we have done things that my predecessors didn't do. First year that I was in office, the present police commissioner, who was then the fire commissioner, gave 5 extra points to people who live in the city of New York for taking the exam, and for taking them into the police department. We increased the residency; we increased the percentage of residents.

The only thing I have to tell you, and this was reflected in an article in the New York Times this week. There is no connection at all between police misconduct and residency. When we look at police complaints, and this I find, according to the Times article, is true of police departments throughout the country, there is no connection between residency and police officers acting properly.

And in fact, for some reason that I can't quite explain, when we look at police complaints, we actually get more civilian complaints against resident police officers than we do against non-resident police officers by about 10 percent.

So I don't know, even if we achieve residency, is this really the answer to a police department being more courteous and more respectful either in New York or in the other cities that appear to have the same experience.

Mr. BURTON. Mr. Horn.

Mr. HORN. Thank you very much, Mr. Chairman. I would like unanimous consent to put two pages in the record here.

Mr. BURTON. Without objection, so ordered.

[The information referred to follows:]

NATIONAL ASSOCIATION OF COUNTIES  
~~HUMAN SERVICES AND EDUCATION STEERING COMMITTEE~~

~~PROPOSED~~ RESOLUTION ON EARLY CHILDHOOD DEVELOPMENT  
PROGRAMS

**Issue:** Programs that encourage and provide early childhood development should be expanded.

**Proposed Policy:** NACo supports the expansion and creation of programs to provide early childhood development and education services. These include, but are not limited to the following:

- Establishing a flexible federal program that allows counties and states to develop home visitation programs for children and their families, including prenatal care visits;
- Continued expansion of early learning programs such as Early Head Start and Parents as Teachers;
- Initiatives to increase federal child care funding and provide quality child care to all eligible children; and
- Continued expansion of the supplemental feeding program for women, infants, and children (WIC); and
- Providing incentives for collaborative efforts among all levels of government, schools, non-profit agencies, and the private sector.

**Background:** Recent research on brain development has shown that services provided prior to age three have a significant impact on children's cognitive development and may prevent problems such as substance abuse, teenage pregnancy and crime. Home visitation programs and early childhood programs such as Head Start Parents as Teachers and WIC are cost effective ways to prevent future problems that can lead to child abuse, out of home placements, and juvenile justice intervention.

There are 10 million children in working families with incomes below 200 percent of poverty. The Child Care and Development Block grant served only 10% of eligible children. Childcare is the third largest expense item for families with children between the ages of three and five. Care for infants and toddlers are even more expensive and harder to find, especially for those parents who work during off-peak hours.

**Fiscal/Urban/Rural Impacts:** This resolution would provide increased funding to urban and rural counties. Additionally, it may help all counties to save funds by avoiding more costly interventions in the future.

Adopted by: Human Services and Education Steering Committee and the Board  
Unanimous  
February 27, 1999

*of Director of the National  
Association of Counties*

# NATIONAL ASSOCIATION OF COUNTIES

## ~~HUMAN SERVICES AND EDUCATION STEERING COMMITTEE~~

### ~~PROPOSED~~ RESOLUTION ON SERVICES FOR EMANCIPATING FOSTER YOUTH

**Issue:** Federal financial support and ability for states to expand access to health care and other transitional living services for youth leaving foster care when they reach 18.

**Proposed Policy:** NACo supports the following federal legislative initiatives to assist emancipating foster youth in their transition to independent living:

1. Permit states to extend Medicaid to children up to age 22 who were in foster care but left system at age 18 and to youths who were in assisted adoptions;
2. Permit states to make foster care maintenance payments until age 22 to youth who would otherwise be ineligible, including those who were in assisted adoptions, who are participating in educational or training programs;
3. Increase funding for the Independent Living Program, for transitional living services, and for the Runaway and Homeless Youth Transitional Living Program;
4. Extend the work opportunity tax credit to include individuals who were in foster care before their 18<sup>th</sup> birthday;
5. Increase the amount of assets that foster youth are allowed to have before becoming ineligible for foster care; and
6. Update the funding formula for the foster care independent living initiatives to reflect current population statistics.

**Background:** Each year over 25,000 youth emancipate from the foster care system, typically at age 18. Despite the fact that these youth are expected to live independently, emancipating foster youth receive relatively little transitional assistance and support in becoming independent. As a result, as studies have demonstrated, emancipated foster youth are at extremely high risk of homelessness, unemployment, teenage pregnancy, adverse health outcomes and suicide.

**Fiscal/Urban/Rural Impacts:** This resolution would provide additional funds to urban and rural counties. Additionally, it could save urban and rural counties future expenditures in welfare, health, and social services.

Adopted by: Human Services and Education Steering Committee and the Board  
 Unanimous of Directors of the  
 National Association  
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Mr. HORN. Thank you very much. These are resolutions of the National Association of Counties Board of Directors and appropriate committees.

One concerns resolution on early childhood development programs, such as establishing a flexible Federal program that allows counties and States to develop home visitation programs for children and their families, including prenatal care. And there is a whole series of other worthwhile things.

The second resolution is the resolution on services for emancipating foster youth. And among other things, it would be permitting the States and cities to extend Medicaid to children up to age 22 who are in foster care but left the system at age 18 and to youths who were in assisted adoptions.

This is a predicate to a book review that appeared in the New York Times back in May 10, 1998, headed "Thugs in Bassinets" and the book, "Ghosts From the Nursery: Tracing the Roots of Violence."

It is a fascinating book in terms of what is affecting the young people in the first few months through 3 in a neurological sense of absolutely having no objection to violent behavior. And what needs to be done in the school system and the health system, in our cities, in our rural areas is to work with that type of child.

And I just wanted to put that in the record, and ask then another question, which I have an interest in this since I was a small person. My mother was welfare director of the county for 25 years. She was also probation officer for 5 years. She was superintendent of the county hospital for a number of years.

So I grew up with these problems. It is rather fascinating what has happened in America. We have a lot of very well-meaning people that try to help young people, but some of this is, without question, psychological in terms of the behavior of the completely amoral behavior in killing each other and not having one sign of remorse.

That leads me to another question, which I have long advocated, as an educator, and that is that the neighborhood schools should not just relate to education but also to the city's or the county's health services, to the city or county recreation services so we could get one-stop service for both the children and the parents.

I agree with you completely in praising the mayor of Chicago. He deserves great praise. I think the major mayors of our cities and the major county executives ought to have the education programs under them. Now, in 1975, when I was vice chairman of the U.S. Commission on Civil Rights, we went to New York, held 1 week of hearings on the school system.

Three of us were university presidents at the time: Father Hesburgh as chairman, myself as vice chairman, and Maurice Mitchell of University of Denver. We were shocked to learn that in about the 1890's the State of New York had, in its wisdom, put a merit board over the hiring of various teachers in the New York schools and various administrators.

I understand that, I am half Irish, and I know that a lot of my Irish ancestors barely went beyond the third grade. I guess in New York, they were able to teach the sixth grade for never having gone beyond the third grade.

So the State moved in and wanted meritocracy. Well, that was all very well, but when you look at the assistant principal test, none of three college presidents on the commission could even get 50 percent of the answers. They might as well have been students of physics and chemistry. That had nothing to do with the job they are doing, which is mostly the disciplinary job and the counseling of younger people. I don't know if that law is still on the books and that New York has freedom in that then they didn't have before. That was the State merit board put in over the school system.

So I would just like to know your reaction to the role of the mayor in education, getting those services in one place, and have you any thoughts on dealing with the violence that is some youths from bassinet on?

Mayor GIULIANI. Well, Mr. Horn, I believe that law was repealed, the merit law.

Mr. HORN. Well, we criticized it.

Mayor GIULIANI. The fact is, that in New York, the mayor does not control the educational system. And that is true not only for New York City but all of the big cities in New York and most of the cities in the country. And it is a very, very big mistake.

And the changes that have occurred in Chicago are the best example of what could happen. I had two votes on a board of seven, and could be outvoted at any time. You know, 4-3, 5-2. And therefore, have some indirect influence, but not the kind of control that you would have over a police department or a welfare system or a fire department. And you can't make the changes that you would like to make.

You can't make sure, in the way you would absolutely like to, that the money is actually getting to the schools and the classrooms. I have tried innovative ways to do that, which maybe produce half the results you could have if you really had control.

I'm sorry that Mr. Owens left because I wanted to describe to him—he was talking about how we don't have enough schools and we haven't built enough schools. Since I have been mayor, we have actually added 95,000 seats to the school system, which is the largest increase since the baby boom.

I inherited a deficit of 78,000 seats. In other words, there were 78,000 places in which we had new students but we didn't have seats for them. And we have rectified some of that, not all of it. Could have done it a lot faster if I had control of the school system.

And now, when I put money into the school system, and I have increased the budget dramatically of the school system—but now when I put money in I try to tie it to performance-based measures. We put \$120 million more into what I call Project Read. In order to get that money, you have to give 10 to 12 hours more of reading instruction to students.

We have had 133,000 students go through it. Their reading scores have gone up by 60 percent. We are specifically restoring arts education to the public schools.

So when I put money into it, it has to be in return for an arts program going in. We have now done that in 835 schools. And we are way ahead of schedule on doing that.

But I have to almost set up, like a review committee, every time we do something because I have to make sure that the additional

\$100 million or \$200 million has actually gone into the school system.

I am fortunate to have a chancellor, Rudy Crew, who I think is the best in the country and is willing to take on the educational bureaucracy in aid of the children.

The biggest problem that we face, however, is principal tenure. The chancellor and the superintendent who oversee the school system are all based on contracts that are performance-based. However, they run a system that is a job-protection system. You cannot remove a principal who has tenure, no matter how bad the school performs, no matter how many kids have dropped out, no matter how many kids don't graduate. The principal is there for life, cannot be touched.

And what I maintain is, that politicians who debate education have to stand on one side of the line or the other. Either you are in favor of a job-protection system or you are in favor of a school system, and it is about educating children. And that is a major debate we are having in New York.

Governor Pataki is a very strong supporter of ending principal tenure, but there is an awful lot of resistance to it. And you can imagine where it comes from, which is the supporters of the status quo in education.

Mr. HORN. Thank you. We will pursue that in our second round on a number of other issues.

Mr. BURTON. Mrs. Morella.

Mrs. MORELLA. Mayor Giuliani, it is a pleasure—

Mr. BURTON. Excuse me, I didn't see Mr. Davis. Pardon me.

Mrs. MALONEY. You are jumping over me.

Mr. BURTON. I apologize. I must be getting myopic. The gentlelady will be recognized, then you, Danny, after we recognize Mrs. Morella.

Mrs. MALONEY. Thank you, Mr. Chairman, and it is a great privilege to welcome the mayor from the great city of New York who has done a great deal to improve the safety of the residents of New York City, I might add, combined with Federal policies that banned assault weapons, passed the Brady Bill, helped get guns off the streets, yet sent over \$800 million to the city of New York to hire more police officers and augment the Police Department's efforts. And we now have, I understand, a 24-year low in crime in the city of New York.

I am very pleased with that, but I am sure that you agree that a local police force, in order to be successful, must enjoy the trust and respect from the community they serve. The recent tragedy has seriously damaged that trust. I am sure that all New Yorkers share your deep concern over the tragedy over the shooting of a 22-year-old, who was shot 41 times by four police officers.

But the main problem here is that we have a serious problem and what are we going to do about it. I am sure, Mr. Mayor, that even though the number of police shootings have decreased in recent years, as you have pointed out with statistics, but I am sure you agree that the problem is beyond simple numbers.

It is a problem now of broken trust by many of New York City's minority residents, a distrust that they feel toward the Police Department. I am really puzzled by the fact that you downplayed rec-

ommendations made by your own task force on police-community relations.

And, Mr. Mayor, how do you respond to the fears of many of New York's minority residents that as the New York Times stated, people, "are frisked on the basis of race." And what do you plan to do about restoring that trust? About alleviating those fears?

I specifically would like to hear how you plan to respond to your own task force recommendation. I know that you responded to roughly 61 percent of their ideas. But in the area of minority recruitment, expanding the cadet force, the police oversight board that was passed by the City Council but was a stronger oversight board that you vetoed, you then enacted a weaker CCRB. You stated that it is funded, yet I have read some reports where it is underfunded by \$1 million.

In the area of minority recruitment, the city is 66 percent minority, yet the police force is roughly 30 percent. And why haven't you responded to this really serious, obvious disparity before this tremendous tragedy?

I would like to ask you, specifically, about alleged selective responses to information requests by your Police Department. A Dominick Carter of New York 1 has alleged that Mr. Safir will not respond to his request for statistics, specifically the number of minorities on the street crime unit. If you could help get that number, that would be helpful.

I really look forward to your comments.

Mayor GIULIANI. I look forward to my answers.

I think Dominick Carter should directly communicate with the police department, rather than using me and you as the go-between for information for the media. So I would suggest that Dominick—

Mrs. MALONEY. He says he has. He says he has asked but never received it.

Mayor GIULIANI. Yes, but I really don't think it is the role of a Member of Congress and the mayor to try to aid the media in getting information from the police department. So why don't we see if we can have him work with the police department to do that.

I responded to the recommendations of the task force that I agreed with. And I put them into effect.

I disagreed with certain recommendations of the task force, and certain recommendations of the task force were entirely unrealistic, like residency requirements. Residency requirements are set by the State of New York. They are set by the Legislature of the State of New York. I can't change them. They have been in effect for 25 or 30 years. And the political reality is they are not going to be changed because you would be asking legislators from outside of the city of New York to vote to get rid of jobs for their citizens.

And I can't present them with a compelling case. I would be happy to present you with the same statistics that I gave to Mr. Owens. The reality is, you know—the difference between perception and reality, and the reason that we are all, we all pride ourselves on being educated human beings, is that there are times in which perception is correct and there are times in which perception is incorrect.

And do you serve an incorrect perception by just pandering to it? Or do you tell the truth about it?

And it seems to me we expand all of our horizons when we react to the truth as opposed to pander to incorrect perception.

The reality is, in the same New York Times that I think you incorrectly quoted, and I will go back to that in a moment, that you cited, had an article this Sunday that pointed out that there is absolutely no connection between residency and proper behavior.

And in our own statistics, in the New York City Police Department, we actually have a higher percentage of resident police officers who have complaints that are filed against them. And that appears to be, according to the New York Times, the experience of just about every other city that has similar residency requirements.

So you can't make out, whether you like residency or you don't, given the political realities of life that we live in, you can't make out a compelling case to do away with residency.

But having said that, here is what we have done that you didn't mention, in fairness to the work of the Police Department and my own work, and the work of the people who have tried to make a change here.

We have done more to change residency than any prior administration—

Mrs. MALONEY. Mr. Mayor, my question was not about residency.

Mr. BURTON. The gentlelady's time has expired. Can we let the mayor finish because we are running short on time?

Mrs. MALONEY. My question was about residency.

Mayor GIULIANI. Oh yes it was. You asked me about the recommendation of the task force that I implemented and I did not implement. The major recommendation that I disagreed with and did not implement, was a recommendation that I impose a residency requirement. So if you would like an answer to the question, the answer revolves a great deal around residency.

The task force, that you said, I did not implement their recommendations—one of the major recommendations that they made that I didn't implement was a residency recommendation.

First of all, I can't impose residency.

Mrs. MALONEY. My question was minority recruitment, expanding the cadet force, the police oversight board, and restoring the trust—what are you doing to restore the trust between the minority community and the police department.

Mr. BURTON. Before the mayor answers, Mrs. Maloney, your time has expired. Let the mayor conclude his answer because we have other Members and the mayor is under time constraints.

Mayor GIULIANI. I think what we are doing to restore the trust of the minority community in New York City is precisely the same thing that we do for all communities in New York City. I don't have a separate agenda for the different communities of New York City.

What we are doing to restore the trust of the minority communities in New York City is reducing murder in New York City by 70 percent. So that in a community that had 125 murders last year or 5 years ago, there were only 15 murders last year and none this year. What we are doing to restore the trust of the minority community in New York City is having employment rates that are the

highest in 20 to 25 years. What we are doing to restore the trust of the minority community, we are seeing national businesses go into Harlem and other areas of the minority community that wouldn't go there in 30 to 40 years because they were too afraid to put businesses there because crime was so high.

Crime is down now, national businesses are investing. What we are doing for the minority community in New York City is funding the New York City public school system at the highest level that it has ever been funded, producing reading and math score improvements for the last 5 years.

But we are doing that for the whole city of New York. What we are doing for the minority community is making a Police Department that has reduced crime more than any in the country, become the most restrained in the country.

Because over the same 5 years, something I didn't hear in all the things you said before, because the question is, are you feeding incorrect perceptions or are you creating correct perceptions. The correct perception is that the New York City Police Department, in the last 5 years, has actually a better record for restraint than it does crime reduction.

It is more restrained by 67.2 percent. It has reduced crime by 50 percent. And when you compare your Police Department, the New York City Police Department, to the police department in just about every other major city in this country, the New York City Police Department is more restrained.

So, yes, there are times in which there are tragic circumstances. And all of us in politics can do one of two things with those tragic circumstances. We can exploit them to feed misperception or we can try to learn from them, put them in proper perspective, and explain to people that although this was a terrible thing that happened, and the criminal justice system should answer it, we shouldn't use it to give people increased fears that they shouldn't have—any different than if there was a terrible murder today in New York City among civilians, which happens 50 times more than any encounter with the police, that we would use that to give people the misperception that crime is not down because there was some terrible murder involving four or five civilians.

So that is what we are trying to do, deal with people honestly in order to create a situation of real trust, rather than pander to them.

Mr. BURTON. Mrs. Morella.

Mrs. MALONEY. Mr. Chairman, a point of personal privilege?

Mr. BURTON. We don't have the time to allow a point—

Mrs. MALONEY. Point of personal privilege, since it was alleged that I misquoted the New York Times to put the article in the record. I think that is legitimate if someone alleges that I misquoted to have the article put in—

Mr. BURTON. I will allow you to put the article in the record, without objection.

[NOTE.—The document referred to was not supplied for the record.]

Mrs. MALONEY. Thank you, sir.

Mr. BURTON. Mrs. Morella.

Mrs. MORELLA. Thank you.

Thank you, Mayor Giuliani, we appreciate your passionate commitment to making New York City the shining city on the hill. You know, the District of Columbia Subcommittee, is one of the subcommittees of this Government Reform Committee, and we have been trying very hard to revitalize the District of Columbia with I think a great element of success, looking to some of the procedures and techniques and policies that you have employed: the CompStat, the broken windows, establishing a culture of civility, and cleanliness, and anti-crime.

I want to pick up on the crime scene, and then, if I have time, go into the job-income support concept that you employed.

I think throughout the country, violent crime has gone down. The difficulty is, the age of the perpetrator has also gone down, and the age of the victim has also gone down. Now in looking at your statistics, I don't know whether or not in the city you have compiled anything with regard to age and what that does show are probably a little less dramatic than the rest of the country. The crime reductions in New York City have been about five times the national average, but there have been crime reductions throughout the country and crime reductions in New York. Our victims are getting younger; our perpetrators are getting younger. But it isn't quite as dramatic as it is in the rest of the country. But we share the same problems.

Then we can see an increased role in our society to begin to look at what is happening with our younger people and what their values are and what they are doing with their time.

Mayor GIULIANI. No question about it.

Mrs. MORELLA. And you talked about increased flexibility for cities. I would imagine that you would give strong support to something like a youth development block grant that could bring Big Brothers, Big Sisters, Boy Scouts and Girl Scouts, all of those groups together?

Mayor GIULIANI. Enormously valuable programs. We have many of them in New York City. We have Police Athletic League. We have the Boys' Clubs and the Girls' Clubs. We do a lot to support them. They are enormously valuable.

We have a program called Beacon Schools which we have just expanded to 81 schools in which we—I think Mr. Horn referred to something very much like it in which we use the school as the community school. And the school remains open until 11 p.m. The school is the place that not only the young people are educated, but the parents can come back for adult education, job training, language assistance. We try to make the—health services. We try to make the school the center of the community that needs rebuilding. And it is an enormously valuable program.

The program was put in—

Mrs. MORELLA. It would be good to see a correlation between those programs.

Mayor GIULIANI. And we have gotten money from the crime bill and other laws that you have passed that we have been able to use to expand those programs. And those are areas that could be very, very crucial collaborations. And we have been able to get the money more recently with not as many mandates attached to it as used to be the case before because the fact is this is true of every

city in America. There is no one formula that works. And when you try to have a mandate, we then start using money in unwise ways just to get your money.

The more flexibility you give us—give us money and say use it to try to improve the opportunities for young people—we are going to be able to use that money a lot more wiser than if the Federal Government tries to micromanage the program.

Mrs. MORELLA. Which is a good reason for getting good people in local government to make sure they do use it wisely.

With your income support plan, I believe in welfare reform and it appears to be working, but I have some concerns about people being able to make livable salaries, to earn livable salaries. I have great concerns about child care. I have great concerns about medical care for the children. I don't know whether you would like to comment on what you are doing to ameliorate that problem.

Mayor GIULIANI. New York City has an enormous infrastructure of services for people. We have a hospital system and this way we are unlike any other city. We own and operate 11 acute care hospitals and 7 long-term hospitals. And anyone in New York City can get medical service for free. And they get it, if no place else, in the public hospitals of the city, which account for about 23 to 25 percent of the hospital beds in the city.

We have a vast array of services for young people, which we also provide in the schools. Most of our schools have health care facilities as well as public hospitals right in the neighborhood that can care for young people who do not have the ability to access hospital services. So we keep trying to expand it but—

Mrs. MORELLA. How do you handle child care? It is so frightfully expensive and there don't seem to be adequate facilities.

Mayor GIULIANI. We have put a lot of money into our budget for day care. And when I said before that we require people on welfare to work, we don't require them to work unless we can help them find day care. So that, as part of the welfare-to-work program, we have invested hundreds of hundreds of millions of dollars in day care. So that if a woman comes in, wants welfare, has two children, they are, let us say, 5 and 7 years old, and needs day care to help during the hours that the children are home from school, we will not require that woman to work unless we are able to provide the day care for her.

And, at this point, we are able to do it. We are going to need more assistance, more money, when we start getting into further reductions in welfare. Up to this point, we have been able to afford it in our budget, with the help of the State, and the money that we get from the Federal Government.

Mrs. MORELLA. Thank you. Thank you, Mr. Chairman.

Mr. BURTON. Mr. Davis.

Mr. DAVIS. Thank you very much, Mr. Chairman. Mr. Mayor, let me again compliment you and all of New York City, for your crime reduction activity and the ability to reduce crime. You also mentioned, though, that in the process of doing so, you have also reduced allegations of misconduct or complaints against the police, that there has been a reduction in the number of instances where overt action is alleged. Did you put into effect any additional training activities or—how did you accomplish that?

Mayor GIULIANI. Well, the most dramatic and maybe the most reliable thing to look at are shooting incidents, fatalities, because they all have to be reported. There is a practice in New York City, which predates my administration, I am not sure exactly when it began, but it probably is one of the most helpful in bringing those shooting incidents down to very, very low levels, and lower than in most cities. Every single fatality, even if completely justifiable, goes before a grand jury. It has to be investigated criminally. And every single shooting incident has to be investigated with a formal report of what happened, why it happened. So it is treated very, very seriously. And that has probably helped a great deal.

At the same time, we invest a lot of money in training. And we keep increasing it and improving it. And I mentioned before the CompStat program that we have. The CompStat program not only intricately measures crime at every single precinct in this city, on the same basis that we put emphasis on that, we look at the number of complaints in that precinct.

So if we were reviewing the 75th precinct that we were looking at before, at the police department today, it would be an analysis of how many complaints have there been about police officers? How many complaints of use of force? We divide them into use of force or abusive behavior. And if they are going up, then the precinct commander is expected to describe: which police officer, is it a certain group of them, are they being trained, do they need retraining, do they need discipline? And the commander is expected to present a picture in which we have got to see those things start going down, otherwise, he or she is going to be removed. I think that is one of the ways.

The other way that we did it is—the civilian complaint review board that was mentioned earlier was very, very inefficient. And there are many reasons for that including just the whole structure of it. It is a difficult process to start with. We have tried to improve it. We have put more people into it. We have hired more senior people. We have given them more resources. And they are doing their job better now. They are not doing it perfectly. They are never going to be able to do it perfectly, but I think they are doing it better now.

Mr. DAVIS. Let me shift for a moment. In the past you have mentioned that the Department of Human Resources was going to develop a program where individuals who are known drug users and also are on public assistance, where their benefits may be paid to a third party contractor.

Mayor GIULIANI. Yes.

Mr. DAVIS. Could you tell me how that would work?

Mayor GIULIANI. I can. It is a program that we are doing on a pilot basis right now with just a small number. The idea of it is we don't want the city, State, and Federal Government to be funding the drug trade. And, therefore, if you are a drug addict and you want welfare, you have got to show us that you are doing something about your drug problem. And, therefore, you have got to be going into treatment, serious treatment programs. You have got to be presenting us with a plan to do something about it.

But if we are going to be required to give you money and you are not doing anything about your drug problem, we don't want to

indirectly be handing that money over to the local heroin dealer or cocaine dealer, which is what you are doing. So what we will do is have a third party take over that money, make sure the money is spent on the children, is spent on food, is spent on the needs that the person has. For sure as heck, we don't want to be giving the money to an addict that then turns over \$100 bucks or \$200 bucks or \$500 bucks to the local heroin dealer or organized crime. So that is the idea of it.

But also it is part of the much bigger picture of trying to get much more intelligent, rigorous drug treatment programs than the unaccountable drug programs. And here is an area where a Federal mandate absolutely hurt us. And this is mostly the State of New York because they run our drug treatment programs, the city doesn't. We spend 60 to 70 percent of our drug treatment dollars keeping people addicted and we spend only 30 percent in drug-free programs.

Methadone maintenance is the treatment of choice in New York City. And the reason it is the treatment of choice, just speaking very candidly with you, is that Federal mandates give you more money more quickly and large industries have developed handing out methadone to people because it is a lot easier saying take your methadone than it is to put them into Phoenix House or Daytop Village or one of the places where you can have the possibility of drug freedom.

Mr. DAVIS. Let me just ask is this a court ordered or court sanctioned—I mean the power of attorney, in effect, is what the individuals or the contractor receives over the person's money.

Mayor GIULIANI. No, it is something that you work out with the Human Resources Administration. It is part of a theory of the social contract, which is if you want benefits, then there are certain things that you owe society in return for those benefits. If you are not working and taking care of your own family and you are expecting everybody else to take care of your family, then we expect you to work as soon as you can. If you have a drug problem and that is the reason you are requiring the rest of society to support you, then you should be doing something about your drug problem.

We shouldn't be sustaining your drug problem, the taxpayer shouldn't be sustaining your drug addiction for 20 years, 30 years, 40 years and then when you multiply this out nationwide, the United States of America and the city of New York and the city of Chicago and elsewhere are supplying a lot of the funds for drug dealers, if we don't do something about it, right? So it is that really the attempt is to try to do something about it.

And, finally, we are handing the welfare money to the drug addicts only because the drug addict has two or three kids that have to be supported. But if the drug addict is using the welfare money to buy the heroin, the kids aren't getting supported. We want the money to the place that it would actually help people.

Mr. DAVIS. Thank you very much. And when you have generated enough data for a report, I would appreciate it.

Mayor GIULIANI. On that one, I would be happy to keep you informed. That is a new program, like the last 2 months, so I don't really have any. But I would be happy to keep you informed.

Mr. DAVIS. Thank you very much.

Mr. BURTON. Thank you, Mr. Davis. Mr. Hutchinson.

Mr. HUTCHINSON. Thank you, Mr. Chairman. Mayor, greetings to you. I congratulate you on the good work you have done in New York City. Coming from Arkansas, while I was U.S. attorney, there were a number of drug cases that we handled that originated and had suppliers in New York City. So I am delighted with the progress that you have made because it does impact a large part of our country.

Yesterday I had an interesting debate at Georgetown Law School concerning mandatory minimum sentences with Judge Sporkin, who has been outspoken on mandatory minimums. I wanted to get your feedback a little bit. I understand you all have had a measure of success in New York City on crack cocaine and the street vendors in regards to that. And, of course, crack cocaine, you have a 5 gram level for mandatory minimum for possession of crack cocaine in that amount.

Could you comment on your view of mandatory minimums and the impact it has had on crime in your city, both firearms and drugs and, specifically, crack cocaine?

Mayor GIULIANI. Mandatory minimum sentences, I think, can be enormously helpful in creating a certainty of punishment if you are caught which then has a much bigger deterrent impact than the calculation that many criminals, particularly drug criminals, can make that, No. 1, they can find a way to beat it and, No. 2, if they don't beat it, they can find a way to convince the judge or, eventually, the Department of Parole or whatever to let them out of prison in a very short period of time. I think it has a very dramatic impact, particularly in the drug area, which, after all, is professional crime.

I think you know this as well as I do. I mean, drug criminals know the criminal penalty process better than U.S. attorneys, assistant U.S. attorneys, or lawyers. I mean, they have it memorized because it is their business. We used to have drug dealers in New York City that would know precisely the levels at which you could plead and how much drugs you had to have in your pocket. And then they would go back and replenish it. But if they got caught, they could always claim to be a low-level drug dealer. But on a given day they would be selling five times as much, but they would never appear to be doing that.

So having these mandatory minimums, which convinces someone that you are really going to have to do actual time and it is going to be 5 years or 10 years, I think can be very, very helpful in playing itself out in professional criminal areas because they will calculate what they are doing based on it. And I think actually they are more necessary for State courts than for Federal courts. Because with the sentencing guidelines that the Federal courts have, you come pretty close to having mandatory minimums and maximums and a judge's discretion is restrained. In a place like New York where there is no restraint on discretion, they would be enormously valuable. The areas where we have them, we get a big impact. The areas where we don't we are very much in need of it.

Mr. HUTCHINSON. If I recall correctly, while you were the Federal prosecutor years back, that you advocated prosecutions even at the Federal level of street pushers—

Mayor GIULIANI. Yes.

Mr. HUTCHINSON [continuing]. Because believing in the sort of broken window theory that you have got to prosecute crime at all levels. Are we having the right balance in terms of our Federal law enforcement going after the kingpins and the big dealers versus the street pushers?

Mayor GIULIANI. You should do more street-level prosecution. U.S. attorneys should. That was a very valuable exercise for me and my office as a U.S. attorney. What we did was we would take in a small number, because that is all we could really do, of street-level cases, we started it in the Lower East Side of Manhattan. It was called "Federal Day." We would never let the drug dealers know the day of the week it was going to be. Some days it would be a Wednesday; some days a Thursday; some days a Friday.

But when they came into Federal court with the ability to focus more on an individual case, they tended to have high bails so they didn't go right back out on the street. They were getting 10- and 15-year sentences for what they would spend a year in jail in the New York State system for, it had a massive impact. It was a tremendous learning experience for me, because after we did it for about 3 months, all of the other crimes in the Lower East Side went down by 30, 40, and 50 percent. It taught me firsthand that if you put the emphasis on drug enforcement, you can reduce all other crimes.

Mr. HUTCHINSON. Let me see if I can get a couple of quick questions in. The FBI was started in the early 1980's being engaged in the drug war and in drug prosecutions, supporting the DEA and our Federal effort. Do you see the same commitment on the part of the FBI today as was initiated in the early 1980's? And, second, I want to ask a question. Do you believe the drug war is winnable?

Mayor GIULIANI. That is an excellent question because I think the right answer to that is it is winnable to the extent that the reduction of any social problem is winnable. It is as winnable as turning around welfare, which nobody thought you ever could do and now the successes are faster than I even believed was possible, and I was in favor of turning it around. If we have the national will, we can—maybe we can't win the war on drugs and maybe that isn't the right way to describe it. We can vastly reduce the problem of drugs. We could reduce the problem of drugs as fast and as quickly as we have turned around welfare and we need it even more.

But the national will isn't there and—no, I don't see it as a lack of commitment on the part of the FBI or the DEA. I think they have tremendous commitment. I think this has to be something that goes to very top. I mean the President of the United States has to lead the effort against drugs if you want to affect our foreign policy. If you want us to enforce our priorities on other countries, which is what we are really talking about, then it has to be a major obsessive concern of our foreign policy apparatus. They should be as concerned about that as they are wars in various parts of the world, settling border disputes, dealing with international trade because, frankly, if we don't turn around the problem of drugs, then, you know, we are going to lose a very, very large percentage of our young people.

This is enormously important to the United States of America and our foreign policy should be driven by the things that are important to the United States of America and I don't see that kind of commitment at the foreign policy level, at the border patrol level, and I honestly don't see the commitment to even law enforcement that used to be the case when I was more familiar with it in the 1970's and the 1980's. But I am not as familiar with that part of it as I was 8 or 10 years ago.

Mr. HUTCHINSON. Thank you, Mayor. Thank you, Mr. Chairman.

Mr. BURTON. Just say Amen to that last one. Mr. Blagojevich.

Mr. BLAGOJEVICH. Thank you, Mr. Chairman. Mr. Mayor, you mentioned a moment ago street-level prosecutions. Can you talk a little bit about the concept of community prosecution? I know you have it in Brooklyn—the community prosecution program which you have in, as I understand it, in Brooklyn and Manhattan. And if I could just tell you that the President's 21st Century Policing Initiative calls for \$200 million of Federal funds to be dispersed to the various community prosecution programs across the country. I have letters from the different district attorneys from across the country, the national district attorneys' office, arguing for that money. Last year the President asked for \$50 million. We were able to fund it to the level of \$5 million.

I am interested to hear what your thoughts are on the program, how it is working in Brooklyn and Manhattan and the level of funding that you received last year, which, in my view, is significantly too little, and that is \$5 million, as well as the President's request for the \$200 million.

Mayor GIULIANI. Well, the community—there are two different things—I want to make sure that I am responding to the right thing—community courts and community policing. You are asking about community courts?

Mr. BLAGOJEVICH. I am talking about the community prosecution program—

Mayor GIULIANI. Right.

Mr. BLAGOJEVICH [continuing]. The idea that you have prosecutors in neighborhoods that work closely with community leaders, sort of the extension of the COPS program.

Mayor GIULIANI. We have two programs like that and they work very, very well. And they allow us to put focus on a lot of the quality-of-life crimes that if you went to a higher court, citywide court, it just wouldn't get the same kind of attention because in that court they are going to be dealing with a person who was arrested for murder, the person who was arrested for rape, the person who was arrested for the far more serious crimes. It allows communities to have more innovative solutions to problems.

One of the things that we have made a lot of inroads in that might not seem like a big thing but it is, I think, in many, many ways is reducing graffiti. Graffiti is an act of vandalism. A city that has increasing amounts of graffiti is a city that has increasing amounts of people who are vandals and disrespect the rights of other people. A city that has a reduction in graffiti is a city that is moving in the right direction.

One of the things we do in our community program is if we catch someone doing graffiti, what we will often do is just have the per-

son sentenced to 5 days or 10 days of cleaning up graffiti. It has a practical result: it cleans up a lot of the graffiti in the neighborhood. But it also has a symbolic and maybe even teaches a lesson. It teaches the person how important this is. And our community courts and our community programs have allowed us to do that.

I think they are very valuable. I don't know what the right level of financing of them would be, but we could certainly expand them and they would be valuable in any place in which we operated.

Mr. BLAGOJEVICH. And, Mr. Mayor, you have got prosecutors in those neighborhoods so that they are just not seeing the community leaders when they come to court as complaining witnesses, but they are also out there working with the community leaders on a daily basis?

Mayor GIULIANI. Yes. It gives them a sense of the priorities of the neighborhood. New York City is so large that this is probably even more valuable to us than it might be to a smaller city or town. In many ways, the local court, which would be like say in downtown Brooklyn, can be very, very far away from the concerns of the neighborhood that is many, many miles away. When the prosecutors are actually in that neighborhood, then they know in this neighborhood when somebody comes in and is complaining about radios being on late at night and making a lot of noise, this is a real problem for them. And, therefore, we should be doing something about it. It is a program that is very sensitive to the differing concerns that occur in different neighborhoods and it is very valuable.

Mr. BLAGOJEVICH. And fair to say that if there was more Federal funding for programs like that, you would have places to place more of those neighborhood prosecutors, right?

Mayor GIULIANI. Yes.

Mr. BLAGOJEVICH. OK.

Mayor GIULIANI. Yes, sir.

Mr. BLAGOJEVICH. My next question, Mr. Mayor, is legislation that isn't going on in New York, but is potentially going on in Florida, and that is the possibility that, in fact, Florida State House legislation was introduced that would make it a felony for a locality to sue a gun manufacturer. Can you share your thoughts on that idea with us?

Mayor GIULIANI. I never heard of that. I have never heard of that idea. I can only share—

Mr. BLAGOJEVICH. New idea.

Mayor GIULIANI [continuing]. My ideas as a lawyer. I don't think you can make access to the courts a felony. It doesn't make sense to me.

Mr. BLAGOJEVICH. OK. And, of course, you have no opposition to suing gun manufacturers.

Mayor GIULIANI. No, no. Look, I stopped having opposition to suing after I became mayor of New York City and there were about 90,000 lawsuits against me. The more the merrier. But I don't see how you can block access to courts.

Mr. BLAGOJEVICH. OK. Thank you, Mr. Mayor.

Mr. BURTON. Well, we have an official from Florida here who might be willing, after the break, to answer those questions for you Mr. Blagojevich.

Mr. BLAGOJEVICH. Thank you.

Mr. BURTON. Well, we have gone a little bit beyond our time. I understand you have another commitment so the committee will stand in recess and hear from the next panel at 1:30.

Mayor GIULIANI. Mr. Chairman, thank you very much.

Mr. BURTON. Thank you, Mr. Mayor. You have done a good job. [Whereupon, at 12:03 p.m., the committee recessed, to reconvene at 1:47 p.m., the same day.]

Mr. BURTON. The committee will reconvene.

And I apologize for holding you gentlemen for so long, No. 1. And, No. 2, I apologize to you for not having all of our Members here. Our Members are running all over the place. They have different committee hearings and I guess I ought to have my hearings on a Monday, Tuesday, or Friday because it seems like on Wednesday and Thursdays everybody's holding hearings. But I really appreciate your being here and I appreciate the records that you fellows have.

State Attorney Shorstein, why don't we start with you and we will have your testimony and then we will ask you questions after we hear from both of you.

**STATEMENTS OF HARRY L. SHORSTEIN, STATE ATTORNEY, JACKSONVILLE, FL; JOHN F. TIMONEY, POLICE COMMISSIONER, PHILADELPHIA POLICE DEPARTMENT; AND ROBERT CHEETHAM, SENIOR ANALYST, PHILADELPHIA POLICE DEPARTMENT, CRIME MAPPING UNIT**

Mr. SHORSTEIN. Mr. Chairman, distinguished members of the Committee on Government Reform, my name is Harry Shorstein and I am the State attorney for the fourth judicial circuit of Florida. Thank you for the invitation to speak with you today about our Nation's criminal justice system.

The title of your hearings, "National Problems, Local Solutions" is a perfect description of what I am here to talk about today. State and local government are better prepared and equipped to deal with problems of public safety than the Federal Government. It may be politically popular to tell the American people you are tough on crime, but do they know that, while passing scores of new death penalty laws, you seldom seek it? Congress is considering Federalizing juvenile crime. But if you do, I will prosecute in a day more cases than you will prosecute in all of the Federal courts, including the Indian reservations, in a year.

The recent dramatic increase in the number and variety of crimes prosecuted by the Federal Government significantly overlaps and duplicates what has traditionally been within the purview of State courts. Between 1982 and 1993, Federal justice system expenditures increased at twice the rate of comparable State and local expenditures. Though politically popular, reduction of crime, particularly violent crime, has been adversely affected by federalization. Even with the trend to federalization, Federal prosecutions comprise less than 5 percent of all criminal prosecutions.

However, there is a legitimate and important role for the Federal Government in crime prevention. That role is through financial support of State and local law enforcement. That should not be curtailed. A perfect example of the appropriate and important role

that the Federal Government can play is the Office of Juvenile Justice and Delinquency Prevention. This agency provides critically needed support for creative locally developed solutions to the problem of juvenile crime.

When a local community comes together and makes a commitment to implementing a comprehensive approach to deal with crime, remarkable things can be accomplished. I would like to take just a few minutes of the committee's time to tell you about Jacksonville's approach to curbing juvenile crime. Since 1993, there has been a 44 percent reduction in the arrest of juveniles for violent crime in Jacksonville. This includes a 78 percent reduction in murder; 51 percent reduction in rape and other sex offenses; 45 percent reduction in robbery; and a 40 percent reduction in aggravated assault. In addition to these violent crimes, there has been a 67 percent reduction in arrests of juveniles for the gateway crime of vehicle theft and a 56 percent reduction in weapons crimes.

The picture in my community was not always so positive. When I took office, our city had faced a 27 percent increase in the number of juveniles arrested from 1990 to 1991. And during the 4 years prior to the implementation of our program, 1989 to 1993, juvenile violent crime arrests had increased 78 percent.

Ours is a two-pronged approach to the problem of juvenile crime, one that incarcerates repeat and violent juvenile offenders and, at the same time, intervenes at an early age with children at risk of becoming criminals. In an article written for the New York Times, Fox Butterfield called our program of sanctions and intervention a preemptive strike approach to reducing juvenile crime and, of course, ultimately reducing all crime. The term preemptive strike describes vividly what we are trying to accomplish by moving decisively to head off problems before they occur or worsen.

Our goal is to incapacitate serious habitual juvenile offenders during their most violent and prolific criminal period and do everything possible to return them after incarceration to an environment different from which they came. The combination of early intervention for at-risk youth and swift, hard punishment for juvenile criminals when appropriate is working in our community. We have shown that if we let common sense and not rhetoric guide the system, we can greatly reduce juvenile crime.

Simply warehousing juveniles in jail is not a long-term answer. Working with other agencies, we have developed the jailed juvenile program. Juveniles in the jail attend school in regular classes held in the jail facility. They also receive drug counseling and participate in living skills, family planning classes, and anger control training. In an effort to provide these young offenders with positive role models, they are paired with mentors recruited by my office. The mentors visit them on a regular basis in the jail and continue to provide guidance for the juveniles after they are released from jail.

Many of our prevention-early intervention efforts are school-based. A career educator in my office coordinates programs with our schools. Truancy and avoiding out of school suspension are critical to juvenile crime prevention. When appropriate, we aggressively prosecute parents for not sending their children to school.

To address the increasing juvenile drug abuse problem, I implemented a juvenile drug court. Juveniles accepted in the drug court are immediately enrolled in a multi-phased out-patient program. Juvenile drug court includes an educational component and psychological services for the juvenile and the parents.

In summary the answer is not punishment or prevention. It requires both. I incarcerate more juveniles as adults than any prosecutor in the country. Equally important, I have more prevention-early intervention programs within my office. The answer is punishment and prevention-early intervention working together. A non-partisan, balanced approach can have an unbelievable impact on crime and the welfare of our children.

I thank the committee for their interest in the issue of criminal justice and, more specifically, juvenile crime and the children of America. There is no simple solution to this very complex and difficult problem. Perhaps today's hearing should be entitled, "National Problem: Localities Seeking Solutions." Because every day we are trying new ideas and approaches. Some work and others fail. Some children turn their lives around while others fall into a life of crime.

The one certainty is that unless the Nation remains vigilant and focused on the problem of juvenile crime, the gains we have made will fade as we enter the new century. I feel confident, however, through aggressive prosecution combined with intensive intervention and prevention, the progress we have made will continue into the next century and beyond. Thank you.

[The prepared statement of Mr. Shorstein follows:]

**STATEMENT TO THE COMMITTEE ON GOVERNMENT REFORM AND  
OVERSIGHT OF THE UNITED STATES CONGRESS  
BY  
HARRY L. SHORSTEIN, STATE ATTORNEY, FOURTH JUDICIAL CIRCUIT  
MARCH 3, 1999**

MR. CHAIRMAN, MR. RANKING MEMBER, DISTINGUISHED MEMBERS OF THE  
COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT MY NAME IS HARRY  
SHORSTEIN AND I AM THE STATE ATTORNEY FOR THE FOURTH JUDICIAL  
CIRCUIT OF FLORIDA.

I WOULD LIKE TO THANK YOU FOR THE INVITATION TO SPEAK WITH YOU  
TODAY ABOUT OUR NATIONS CRIMINAL JUSTICE SYSTEM.

THE TITLE OF YOUR HEARINGS "NATIONAL PROBLEMS-LOCAL SOLUTIONS" IS  
A PERFECT DESCRIPTION FOR WHAT I AM GOING TO TALK ABOUT TODAY.

LOCAL GOVERNMENT IS BETTER PREPARED AND EQUIPPED TO DEAL WITH  
PROBLEMS OF PUBLIC SAFETY THAN THE FEDERAL GOVERNMENT.

IT MAY BE POLITICALLY POPULAR TO TELL THE AMERICAN PEOPLE YOU ARE  
TOUGH ON CRIME, BUT DO THEY KNOW THAT WHILE PASSING SCORES OF  
NEW DEATH PENALTY LAWS YOU SELDOM SEEK IT. CONGRESS IS  
CONSIDERING FEDERALIZING JUVENILE CRIME, BUT IF YOU DO, I WILL  
PROSECUTE IN A DAY MORE CASES THAN YOU WILL PROSECUTE IN ALL THE  
FEDERAL COURTS, INCLUDING THOSE ON INDIAN RESERVATIONS, IN A YEAR.

THE RECENT DRAMATIC INCREASE IN THE NUMBER AND VARIETY OF CRIMES  
PROSECUTED BY THE FEDERAL GOVERNMENT SIGNIFICANTLY OVERLAPS  
AND DUPLICATES WHAT HAS TRADITIONALLY BEEN THE PURVIEW OF STATE

COURTS.

BETWEEN 1982 AND 1993 FEDERAL JUSTICE SYSTEM EXPENDITURES INCREASED AT TWICE THE RATE OF COMPARABLE STATE AND LOCAL EXPENDITURES. THOUGH POLITICALLY POPULAR, REDUCTION OF CRIME, PARTICULARLY VIOLENT CRIME, HAS BEEN ADVERSELY AFFECTED BY FEDERALIZATION.

EVEN WITH THE TREND TO FEDERALIZATION, FEDERAL PROSECUTIONS COMPRISE LESS THAN 5% OF CRIMINAL PROSECUTIONS.

HOWEVER, THERE IS A LEGITIMATE AND IMPORTANT ROLE FOR THE FEDERAL GOVERNMENT IN CRIME PREVENTION. THAT ROLE IS THROUGH FINANCIAL SUPPORT OF STATE AND LOCAL LAW ENFORCEMENT. THAT SHOULD NOT BE CURTAILED. A PERFECT EXAMPLE OF THE APPROPRIATE AND IMPORTANT ROLE THE FEDERAL GOVERNMENT CAN PLAY IS THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION. THIS AGENCY PROVIDES CRITICALLY NEEDED SUPPORT FOR CREATIVE LOCALLY DEVELOPED SOLUTIONS TO THE PROBLEM OF JUVENILE CRIME.

WHEN A LOCAL COMMUNITY COMES TOGETHER AND MAKES A COMMITMENT TO IMPLEMENTING A COMPREHENSIVE APPROACH TO DEAL WITH CRIME, REMARKABLE THINGS CAN BE ACCOMPLISHED.

I WOULD LIKE TO TAKE JUST A FEW MINUTES OF THE COMMITTEES TIME TO TELL YOU ABOUT JACKSONVILLE'S APPROACH TO CURBING JUVENILE CRIME. WE FEEL THAT OUR PROGRAM IS EVOLVING FROM AN EXPERIMENTAL PROGRAM TO A FUNDAMENTALLY NEW WAY OF DEALING WITH A PROBLEM OF NATIONAL SIGNIFICANCE. LET ME START BY TELLING YOU A LITTLE ABOUT THE RESULTS OF OUR EFFORTS.

SINCE 1993, THERE HAS BEEN A 44% REDUCTION IN ARRESTS OF JUVENILES FOR VIOLENT CRIME IN JACKSONVILLE. THIS INCLUDES A 78% REDUCTION IN MURDER, 51% REDUCTION IN RAPE AND OTHER SEX OFFENSES, 45% REDUCTION IN ROBBERY AND A 40% REDUCTION IN AGGRAVATED ASSAULT. IN ADDITION TO THESE VIOLENT CRIMES THERE HAS ALSO BEEN A 67% REDUCTION IN ARRESTS OF JUVENILES FOR THE GATEWAY CRIME OF VEHICLE THEFT AND A 56% REDUCTION IN WEAPON CRIMES.

THE PICTURE IN MY COMMUNITY WAS NOT ALWAYS SO POSITIVE. WHEN I TOOK OFFICE, OUR CITY WAS FACED WITH A TWENTY-SEVEN PER CENT INCREASE IN THE NUMBER OF JUVENILES ARRESTED FROM 1990 TO 1991 AND DURING THE FOUR YEARS PRIOR TO THE IMPLEMENTATION OF OUR PROGRAM, 1989 - 1993, JUVENILE VIOLENT CRIME ARRESTS HAD INCREASED 78%.

OURS IS A TWO-PRONGED APPROACH TO THE PROBLEM OF JUVENILE CRIME, ONE WHICH INCARCERATES REPEAT AND VIOLENT JUVENILE OFFENDERS AND AT THE SAME TIME INTERVENES AT AN EARLY AGE WITH CHILDREN AT-RISK OF BECOMING CRIMINALS.

IN AN ARTICLE WRITTEN FOR THE NEW YORK TIMES, FOX BUTTERFIELD CALLED OUR PROGRAM OF SANCTIONS AND INTERVENTION A "PREEMPTIVE STRIKE" APPROACH TO REDUCING JUVENILE CRIME AND, OF COURSE, ULTIMATELY REDUCING ALL CRIME. THE TERM PREEMPTIVE STRIKE DESCRIBES VIVIDLY WHAT WE ARE TRYING TO ACCOMPLISH BY MOVING DECISIVELY TO HEAD OFF PROBLEMS BEFORE THEY OCCUR OR WORSEN.

OUR GOAL IS TO INCAPACITATE SERIOUS HABITUAL JUVENILE OFFENDERS DURING THEIR MOST VIOLENT AND PROLIFIC CRIMINAL PERIOD AND DO

EVERYTHING POSSIBLE TO RETURN THEM, AFTER INCARCERATION, TO AN ENVIRONMENT DIFFERENT FROM WHICH THEY CAME.

THE COMBINATION OF EARLY INTERVENTION FOR AT-RISK YOUTH AND SWIFT, HARD PUNISHMENT FOR JUVENILE CRIMINALS, WHEN APPROPRIATE, IS WORKING IN OUR COMMUNITY. WE HAVE SHOWN THAT IF WE LET COMMON SENSE AND NOT RHETORIC GUIDE THE SYSTEM, WE CAN GREATLY REDUCE JUVENILE CRIME.

SIMPLY WAREHOUSING JUVENILES IN JAIL IS NOT A LONG-TERM ANSWER. WORKING WITH OTHER AGENCIES, WE HAVE DEVELOPED THE "JAILED JUVENILE PROGRAM". JUVENILES IN THE JAIL ATTEND SCHOOL IN REGULAR CLASSES HELD IN THE FACILITY. THEY ALSO RECEIVE DRUG COUNSELING AND PARTICIPATE IN LIVING SKILLS, FAMILY PLANNING CLASSES AND ANGER CONTROL TRAINING.

IN AN EFFORT TO PROVIDE THESE YOUNG OFFENDERS WITH POSITIVE ROLE MODELS, THEY ARE PAIRED WITH **MENTORS** RECRUITED BY MY OFFICE. THE MENTORS VISIT THEM ON A REGULAR BASIS IN THE JAIL AND CONTINUE TO PROVIDE GUIDANCE FOR THE JUVENILES AFTER THEY ARE RELEASED FROM JAIL.

MANY OF OUR PREVENTION/EARLY INTERVENTION EFFORTS ARE SCHOOL-BASED. A CAREER EDUCATOR IN OUR OFFICE COORDINATES PROGRAMS WITH OUR SCHOOLS.

TRUANCY AND AVOIDING OUT OF SCHOOL SUSPENSION ARE CRITICAL TO JUVENILE CRIME PREVENTION. WHEN APPROPRIATE, WE AGGRESSIVELY PROSECUTE PARENTS FOR NOT SENDING THEIR CHILDREN TO SCHOOL.

TO ADDRESS THE INCREASING JUVENILE DRUG ABUSE PROBLEM, I IMPLEMENTED A JUVENILE DRUG COURT. JUVENILES ACCEPTED IN THE DRUG COURT ARE IMMEDIATELY ENROLLED IN A MULTI-PHASED OUT-PATIENT PROGRAM. JUVENILE DRUG COURT INCLUDES AN EDUCATIONAL COMPONENT AND PSYCHOLOGICAL SERVICES FOR THE JUVENILE AND PARENTS.

IN SUMMARY, THE ANSWER IS NOT PUNISHMENT OR PREVENTION. IT REQUIRES BOTH! I INCARCERATE MORE JUVENILES AS ADULTS THAN ANY PROSECUTOR IN THE COUNTRY. EQUALLY IMPORTANT, I HAVE MORE PREVENTION/EARLY INTERVENTION PROGRAMS WITHIN MY OFFICE. THE ANSWER IS PUNISHMENT **AND** PREVENTION/EARLY INTERVENTION **WORKING TOGETHER**.

A NON-PARTISAN, BALANCED APPROACH CAN HAVE AN UNBELIEVABLE IMPACT ON CRIME AND THE WELFARE OF OUR CHILDREN.

I THANK THE COMMITTEE FOR THEIR GREAT INTEREST IN THE ISSUE OF CRIMINAL JUSTICE AND MORE SPECIFICALLY JUVENILE CRIME IN AMERICA. THERE IS NO SIMPLE SOLUTION TO THIS VERY COMPLEX AND DIFFICULT PROBLEM. PERHAPS TODAY'S HEARING SHOULD BE TITLED "NATIONAL PROBLEMS-LOCALITIES SEEKING SOLUTIONS." BECAUSE EVERY DAY WE ARE TRYING NEW IDEAS AND APPROACHES. SOME WORK AND OTHERS FAIL- SOME CHILDREN TURN THEIR LIVES AROUND WHILE OTHERS FALL INTO A LIFE OF CRIME. THE ONE CERTAINTY IS THAT UNLESS THE NATION REMAINS VIGILANT AND FOCUSED ON THE PROBLEM OF JUVENILE CRIME, THE GAINS WE HAVE MADE WILL FADE AS WE ENTER THE NEW CENTURY. I FEEL CONFIDENT, HOWEVER, THROUGH AGGRESSIVE PROSECUTION COMBINED WITH INTENSIVE INTERVENTION AND PREVENTION, THE PROGRESS WE HAVE MADE WILL CONTINUE INTO THE NEXT CENTURY AND BEYOND.

Mr. BURTON. Thank you, Mr. Shorstein. Before we go to your video—and I understand you have a video you would like for us to see—Mr. Fattah represents, I guess, part of Mr. Timoney's area and he wanted to make a remark or two about the new commissioner.

Mr. FATTAH. Thank you, Mr. Chairman. I just wanted to welcome the commissioner to Washington. And, unfortunately, here in the Congress we don't coordinate scheduling so even though I am a member of this committee I also have two other committees that are meeting at this identical time. But I did want to welcome you. And your comments and your testimony today here obviously will be helpful as the Congress goes forward.

And, in addition of which, the effort by the Congress and this administration to provide additional police officers, which our city has benefited from, has been quite, I think, a significant part of both the New York story and the Philadelphia story. But nationwide and earlier today, the President has offered the notion that he was going to push for an additional 50,000 police officers on the street. And I know that there is something very bipartisan about this issue of fighting crime in which both as Democrats and Republicans, I think we have the same desire.

So I want to welcome you here and, inasmuch as your work in Philadelphia has, I think, brought appropriate attention in the wisdom of the chairman and his staff to invite you, I wanted to stop by and say hello. Thank you.

Mr. TIMONEY. Thank you very much, Congressman.

Mr. BURTON. OK. I think we will see the video of Mr. Shorstein's right now and then we will proceed with Mr. Timoney.

[Video shown.]

Mr. BURTON. Mr. Shorstein, that is very impressive. I would like to have a copy of that tape so I could show that to some of the mayors in other parts of the country where I travel. So I hope you will give me a copy of that when we are through.

Mr. SHORSTEIN. You have it.

[NOTE.—A copy of the video is held in the committee files.]

Mr. BURTON. Mr. Timoney, thank you for being with us as well.

Mr. TIMONEY. Thank you, sir. Good afternoon, Chairman Burton, and other members of the committee. My name is John Timoney and I have been the police commissioner of Philadelphia for the last year. Prior to that experience, I spent 29 years in the New York City Police Department, retiring as the first deputy commissioner in 1996, which is the No. 2 person in that organization, under Commissioner William Bratton. The 2 intervening years I spent as a consultant advising governments and police departments around the world.

However, in 1994, as the chief of department under Commissioner Bratton, which is the highest ranking uniform member, I had the good fortune of being a member of a team that changed fundamentally the way in which the New York City police department approached its core mission. As part of our new approach, we developed an entirely new and much more effective set of policies and procedures for tackling urban crime and disorder. It is the results of this experience as well as my experience as a consultant

to police departments around the world that I want to share with you today.

As most of you already know, the heart of the new approach to fighting crime, introduced by Commissioner Bratton in New York, is a process known as CompStat. Many experts have written at length about CompStat: about its origins, its key features, and why it has proved so effective in reducing crime in the country's most densely populated city. It is not my aim today to add to this historical and largely theoretical discussion about CompStat or even to defend my decision to introduce it in Philadelphia. I prefer to use this opportunity to tell you how the Federal Government can make the CompStat process an even more powerful tool in fighting crime in our cities.

In my view, there are three main features of the CompStat process. The first is the centralization of the decisionmaking to local commanders. It is the local commanders who are the closest in touch with crime and quality of life conditions in his or her neighborhood. He or she is, therefore, best placed to develop and implement the strategies necessary to tackle these conditions and it is in his or her responsibility to take the lead in doing so.

This is the approach that we have adopted in Philadelphia. The role of top management in headquarters is to support, advise, and supply the local commander and to set the policy framework within which he or she must work. It is also our role to monitor the performance of the local commander and to hold him or her accountable for that performance.

To formalize this monitoring and accountability process, we have also introduced the second important feature of CompStat, namely the weekly meetings at which local commanders report their performance to the department's top management, including myself and deputy commissioners and the heads of all the special bureaus. At these meetings, local commanders describe the conditions in their districts and what they are doing about them. Some of these presentations are success stories. At other times, however, local commanders find themselves having to explain why the strategies they outlined at earlier meetings have not been nearly as successful as they had suggested they would be.

The third and most important feature of the CompStat process is the use of computerized maps of crime information. Rather than talking about what these maps show and why they are so valuable, I have brought with me today Mr. Robert Cheetham who is a senior policy analyst with the Philadelphia Police Department's Crime Mapping Unit who will give you a brief demonstration of this exciting and powerful new technology. Robert.

Mr. CHEETHAM. Thank you, Commissioner. Mr. Chairman, ladies and gentlemen, Commissioner Timoney has asked me to show you a few examples of what we do in Philadelphia in terms of crime mapping. He has just told you a little bit about a process known as CompStat. And there are several facets to this, as he has explained. But one of the most important is timely and accurate data, as well as the maps used to visualize that data.

The information technology that has brought crime analysis and mapping to the mainstream is known as Geographic Information Systems. As with all things, in information technology, this has an

acronym. It is also known as GIS. After CompStat, that is the second acronym for the afternoon and I promise I won't give you any more.

In fact, I am not here to tell you about GIS technology. Rather, I would like to more concretely show you how it can be and is being used in terms of law enforcement efforts. Now, unfortunately, I can't show you the live maps we use in the weekly CompStat meetings. However, I have prepared a few static examples to illustrate some of the concepts Commissioner Timoney has just discussed. Slide, please.

[Slide shown.]

[NOTE.—A copy of the slides are appended to Mr. Cheetham's testimony.]

Mr. CHEETHAM. A brief introduction. The city of Philadelphia covers about 144 square miles. The police department breaks the city up into a couple of dozen districts ranging from about 1 square mile to as much as 16 square miles. The weekly CompStat meetings are on a 4-week rotation so that over the course of a month, each of these districts is examined in detail. Tomorrow, for example, the northwest and northeast police divisions will be up.

Mapping and GIS are used in law enforcement in a variety of ways and I will just briefly go through a few of them. Visualization is one. Accountability and, for planning purposes. Slide, please.

[Slide shown.]

Mr. CHEETHAM. At their most fundamental level, the maps and charts that are used for this are very much visualization tools. This is not necessarily new. Law enforcement officials have been making and using pin maps for over 100 years, long before we had computers to assist us. With information technology, officers have some significant advantages in terms of mapping and analysis of crime. We can construct maps more rapidly; we can assign symbols in several different ways; we can deal with the enormous data sets. And we can mix data from a variety of different sources.

The map you see in front of you is very typical of what officers and command staff will see at tomorrow's CompStat meeting. It is symbolized in this case according to 8-hour shifts that police officers work and the incident sets are drawn from data bases that literally include millions of unique events that occur in a given year. Next slide, please.

[Slide shown.]

Mr. CHEETHAM. Several days prior to each weekly CompStat meeting, copies of maps and charts, such as the ones you are now viewing, are sent out to each of the district commanders and then, later, at the actual meeting, these are projected live on the wall, much as we are doing now, except the maps can be manipulated to follow the conversation. Next, please.

[Slide shown.]

Mr. CHEETHAM. As the dialog between the command staff and district officers progresses, the maps are used as a support tool to visualize both the geography of the area being covered and the most recent events occurring in that area. Next, please.

[Slide shown.]

Mr. CHEETHAM. For example, if the conversation turns to a few blocks in a particular neighborhood, we can zoom into that area,

dynamically add or subtract thematic layers of information, comparisons can be visually drawn between events in the current 4-week cycle and the previous 4-week cycle. If we have data that we can use, we can actually overlay other kinds of information, such as the locations of schools, ATM machines, or vacant lots in juxtaposition to where a particular class of events is occurring.

In this way—next slide, please—we can attempt to ferret out patterns, clusters, and relationships between events. Now it is important to understand that the computers don't do the work for us. Computers are notoriously poor at any kind of pattern recognition. But we as human beings are very good at this. The computers allow us to rapidly manipulate and visualize complex information so that we can take advantage of the human being's unique genius for pattern recognition. Next slide, please.

[Slide shown.]

Mr. CHEETHAM. The example you see before you is one in which we have drawn a simple circle around, at about a 1,000 foot radius, around public schools. Next slide, please.

[Slide shown.]

Mr. CHEETHAM. The slide that is in front of you now and the next couple that I will show are actual examples of what will be seen in tomorrow's CompStat meeting. The first one shows some burglaries in the northwest section of the city, district 35. The burglary patterns are often different for commercial burglaries as opposed to residential burglaries. Similarly, daytime burglary patterns are different from nighttime patterns. So we adjust our symbology accordingly. In this particular example, the red homes on the map represent residential burglaries and the black buildings commercial. Next one, please.

[Slide shown.]

Mr. CHEETHAM. The one we are now looking at shows stolen vehicles and recovered vehicles. The stolen vehicles are in red and the recovered in blue. There are also thefts from vehicles overlaid on top of that and those are the light blue dots. The other colored regions indicate the location of where school grounds are, the yellow areas, and parks. We can also, I think, show things like shopping malls and so on. Next, please.

[Slide shown.]

Mr. CHEETHAM. We can also indicate where multiple events occur at the same location and where arrests have brought in a suspected perpetrator. It is somewhat difficult to see on these particular maps, but there are white stars on top of the areas in which we have multiple events. Next slide, please.

[Slide shown.]

Mr. CHEETHAM. At a more sophisticated level, we can also use this technology for more planning-oriented and tactical purposes. Here you can see how concentrations of events change in time. The large orange blobs may look like I spilled my lunch on the map, but in fact they are quite revealing. What you see here are actually concentrations of crimes involving firearms in some very troubled neighborhoods in north Philadelphia. Over the past 6 months, we have been engaged in a large cross-agency, cross-jurisdictional anti-narcotics operation called Operation Sunrise.

On the righthand side of each of these maps, there is a phase I and a phase II in roman numerals. And these are the areas that Operation Sunrise has already had some impact in the first 6 months. In the top map, you can see July to December 1997, gun crimes in that area. And in the bottom map, July to December 1998. The darkest orange area show where the concentrations of violent gun-related crimes are occurring. From this display, we can see, upon examination, that Operation Sunrise is clearly having an impact. The darker orange areas are decreasing in size and intensity. This is important for the people involved in Operation Sunrise to see.

One of the rules in this operation is that we don't move to the next phase until we can clearly show that the current area has been stabilized. Based in part on these maps, Operation Sunrise will begin phase III this week. Next slide, please.

[Slide shown.]

Mr. CHEETHAM. Taking these maps of change to the next level—if you could click on that map, please—taking these slides of change to the next level, we can actually take the same sorts of information over, let us say, a 6-month period, and slice that up into much smaller periods. If you would press play, please. And string these along into a sort of filmstrip in which we can show how the concentrations move across the urban fabric through the course of time. Thank you. Next slide, please.

[Slide shown.]

Mr. CHEETHAM. In addition to these displays of change over time, we can look at real estate information, aerial photography, socioeconomic data, public health information, several kinds. All of these information sources help us to plan these operations to be a more effective use of public funds and to minimize the risks to police officers and other public officials involved.

Now, before handing this back to Commissioner Timoney, I would like to return to a couple of the maps I showed you before.

[Slide shown.]

Mr. CHEETHAM. This is an earlier one in which there are concentrations of thefts from vehicle and then there are—previous slide please—

[Slide shown.]

Mr. CHEETHAM [continuing]. Concentrations of thefts from vehicles with the outlines of the police districts drawn on top of it. Those are the black lines on the map.

I would like to point out something very important here. That is even at statis—and crime patterns are rarely in a state of statis—these concentrations span boundaries. In other words, the criminals have no respect whatsoever for the political boundaries drawn by governments. Next slide, please.

[Slide shown.]

Mr. CHEETHAM. Returning to the maps that we will use in CompStat tomorrow, we can see something else. I would like to draw your attention to this upper northeast corner of Philadelphia, the seventh and eighth districts. You will notice several clusters of automobile-related crimes along the edges. One of these is a mall, the other is a housing development and transportation artery through the region. What you will also notice is that the dots, rep-

resenting incidents of crime, stop at the edge of the city. The same is true on the next slide, please.

[Slide shown.]

Mr. CHEETHAM. But, in fact, we all know that those dots don't stop and that crimes are occurring just across the boundary, we just can't see them. Next slide, please.

[Slide shown.]

Mr. CHEETHAM. In this final slide, we are looking at stolen vehicles again. This time the stolen vehicles are in the city and they are represented by red stars and the vehicles outside the city are the blue cars. In addition, we have drawn a red line between the two events. In other words, when we can link where a car was stolen and the place from which it was recovered, we have made that link explicit.

We often use maps such as this to locate so-called chop shops where stolen vehicles are chopped up into parts for resale. In this particular case, these vehicles are recovered outside the city. Or, in many cases, such as Camden, the city of Camden in the lower right, outside the State. But what you see is only half the story. We cannot see where the cars are either stolen outside the city or recovered inside. We lack the data and, more importantly, we lack the standards to exchange information with other law enforcement agencies that surround the city.

That ends my presentation. I will turn things back to Commissioner Timoney and he will discuss some of the ways in which this might be cured.

[The prepared statement of Mr. Cheetham follows:]

Thank-you Commissioner.

Members of Congress, Ladies and Gentlemen,

Commissioner Timoney has just told you a little about a process known as COMPSTAT. There are several facets to this process, but, as the Commissioner has indicated, an important part of COMPSTAT is timely and accurate data as well as the maps (and other tools) used to visualize that data. The information technology that has brought crime analysis and mapping to the mainstream is known as Geographic Information Systems. As with all things in the information technology field, there is yet another acronym for this technology: we know it as GIS. After COMPSTAT, that is my second acronym for the day and I promise I won't introduce any more. In fact, I am not here to tell you about GIS technology. Rather I would like to more concretely show you how it can be and is being used in terms of law enforcement efforts.

Now, unfortunately, I can't show you the live maps we use in the weekly COMPSTAT meetings. However, I have prepared several static examples to illustrate some of the concepts Commissioner Timoney has just discussed [SLIDE]

A brief introduction. The City of Philadelphia covers a 144 sq mile area. The Police Department breaks the city up into 25 districts ranging from about 1 sq mile to as much as 16 sq miles. The weekly COMPSTAT meetings are on a 4 week rotation so that over the course of a month, each district is examined in detail. This week, the Northwest and Northeast police divisions will be up. [SLIDE]

Mapping and GIS are used in law enforcement in a variety of ways, I will briefly mention a few: Visualization, Accountability and Planning.

At their most fundamental level, the maps and charts are being used as Visualization Tools. Now this is not necessarily new. Law enforcement officials have been making and using pin maps for over a hundred years, long before there were computers to assist them. But information technology offers us some significant advantages in terms of mapping and analysis of crime. We can construct maps more rapidly, assigning symbols in several ways simultaneously. We can deal with enormous data sets. And we can mix data from a variety of sources. [the map you see here is very typical of what the officers and command staff will see at tomorrow's COMPSTAT meeting. It is symbolized according to the 8 hour shifts that police officers work - incident sets like these are drawn from databases that include literally millions of unique events in any given year.]

Several days prior to each weekly COMPSTAT meeting, copies of maps and charts such as the ones you are now viewing are sent out to each of the district commanders and then, later, at the actual meeting, these are projected live on the wall, much as we are doing now, except the maps can be manipulated to follow the conversation. As the dialogue between command staff and district officers progresses, the maps are used as a support tool to visualize both the geography of the area being covered and the most recent events occurring in that area. For example, if the conversation turns to a few blocks in a particular neighborhood, we can zoom in to that area, dynamically add or subtract thematic layers of information. Comparisons can visually drawn between events in the current 4 week cycle and the previous 4 week cycle. If we have the data we can overlay information on, for example, the location of schools, ATM machines, or vacant lots in juxtaposition to where a particular class of events is occurring. In this way, we attempt to ferret out patterns, clusters and relationships between events. Now it is important to understand that the computers don't do the work for us. Computers are notoriously poor at pattern recognition. But human beings are very good at patterns. The computers allow us rapidly manipulate and visualize complex information so that we can take advantage of the human brain's genius for pattern recognition.

The maps you now see will actually be used in tomorrow's COMPSTAT meetings. This first one shows burglaries in the Northwest section of the City, District 35. Burglary patterns are often different for Commercial Burglaries as opposed to Residential Burglaries. Similarly, day-time burglaries patterns are different from night-time patterns. So we adjust our symbology accordingly. The red homes you see are residential burglaries, the black buildings are commercial.

In this next slide we are looking at Stolen Vehicles (the red cars), Recovered Vehicles (in blue) and Thefts from Vehicles (the light blue dots). The other colored regions indicate the location of School grounds (in yellow), Parks (in green) or other areas, such as shopping malls and so on.

We can also indicate where multiple events occurred at the same location and where arrests have brought in a suspected perpetrator. It is somewhat difficult to see here but the white stars on top of the other symbols

indicate a location that has experienced multiple examples of that class of events, in this case vehicle-related crime.

#### PLANNING

At a more sophisticated level, we can also use this technology for more Planning oriented and Tactical purposes. Here, you can see how concentrations of events change in time. These large orange blobs may initially look like I spilled my sandwich on the map, but in fact they are very revealing. What you are seeing here is concentrations of crimes involving firearms in some very troubled neighborhoods in North Philadelphia. Over the past six months, a large, cross agency, cross-jurisdictional anti-narcotics interdiction called Operation Sunrise has been operating in this area. On the right hand side you can see Phases 1 and 2 in roman numerals. These are the areas in which Operation Sunrise has already had some impact. In the top map, you can see July - Dec 1997. In the bottom map, you can see July - Dec 1998. The darkest orange areas show where the concentrations of violent, gun-related crime are occurring. From this display, we can clearly see that Operation Sunrise is having an impact, the darker orange areas are decreasing in size and intensity. This important for people to see. One of the rules in this operation is that we don't move to the next Phase until we can clearly show that the current area has been stabilized. Based in part on these maps, Operation Sunrise will begin Phase 3 today.

Taken to the next level, we can take slices in time and string these along in a sort of filmstrip showing how the concentrations move through the urban fabric over the course of time.

In addition to these displays of change over time, we can look at real estate information, aerial photography, socio-economic data, public health information and so on. All of these information sources help us to plan these operations to be the most effective use of public funds and to minimize the risk to the police officers and other public officials involved.

Now, before handing the baton back to Commissioner Timoney, I'd like to return to some of the maps we saw a few moments ago.

This is the early map of concentrations of thefts from vehicles with the outlines of the police districts overlaid on top of the map. The police districts are the black lines. I would like to point out something very important here, that even at stasis, (and crime patterns are rarely in a state of stasis), these concentrations span boundaries. In other words, the criminals have no respect whatsoever for the political boundaries drawn by governments.

Returning to the maps we will use in COMPSTAT tomorrow, we can see something else. We are now looking at the upper northeast corner of Philadelphia, the 7th and 8th districts. You will notice several clusters of automobile related crimes along the edges. One of these is a mall. The other, a housing development and transportation artery through the region. What you will also notice is that the dots, representing crime, stop at the edge. The same is true in this next slide. But in fact we know that the dots don't stop. The crimes are occurring across the boundary as well. We just can't see them.

In this final slide, we are looking at stolen vehicles again (this time they are red stars) and where they were recovered (the blue cars). In addition, we have drawn a red line between the two events, that is between where a vehicle was stolen and where the same vehicle was later recovered (often not intact). We will often use such maps to locate so-called chop shops, where stolen vehicles are chopped up into parts for resale. In this particular case, these are vehicles recovered outside the city, or in many cases, such as Camden in the lower left, outside the state. But what you see is only half the story. We cannot see where the cars were stolen outside the city and recovered inside the city. We lack the data and more importantly, we lack the standards to exchange data with the various law enforcement agencies that operate in the surrounding municipalities.

Thank-you. This ends my presentation. I will turn things back to Commissioner Timoney to discuss some ways in which this situation might be addressed.

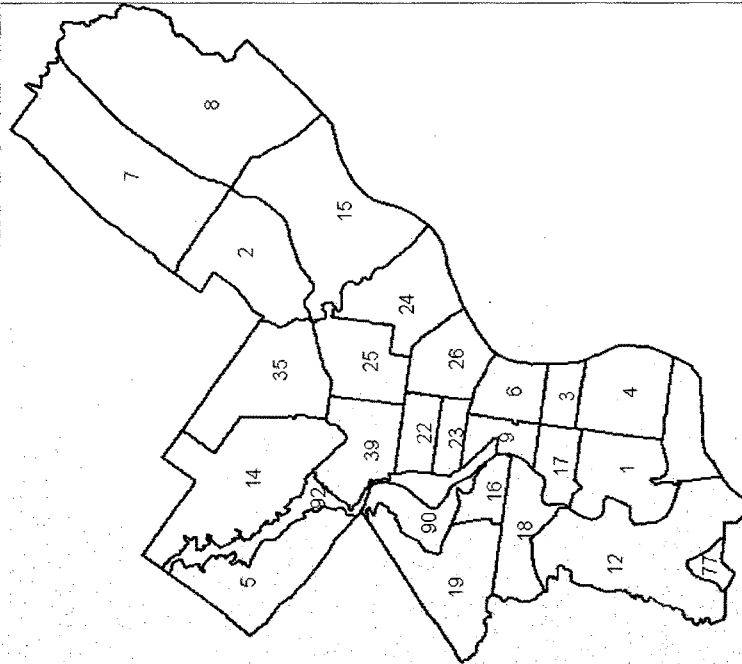
Philadelphia Police Department

# Crime Analysis & Mapping



# City of Philadelphia

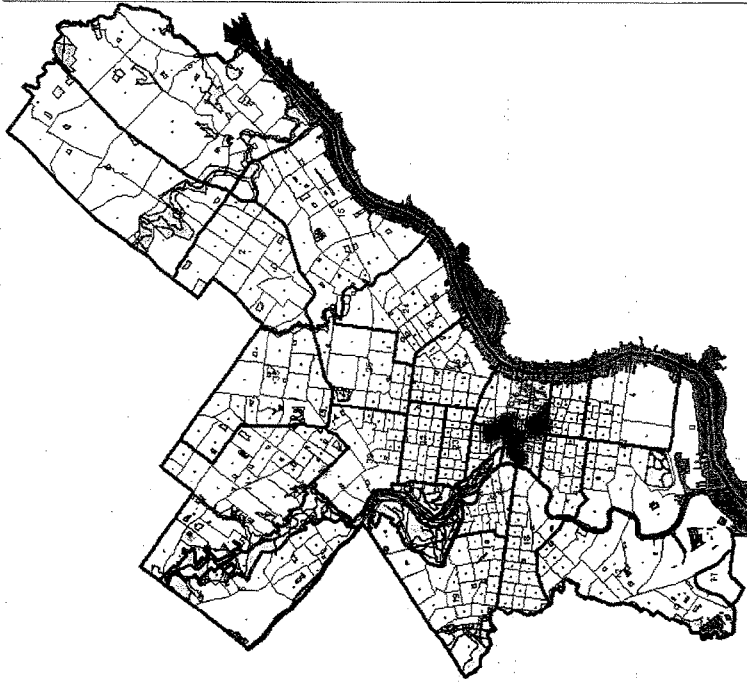
9 Divisions  
26 Districts  
Total Area = 144 sq.  
miles



## MAPPING and GIS

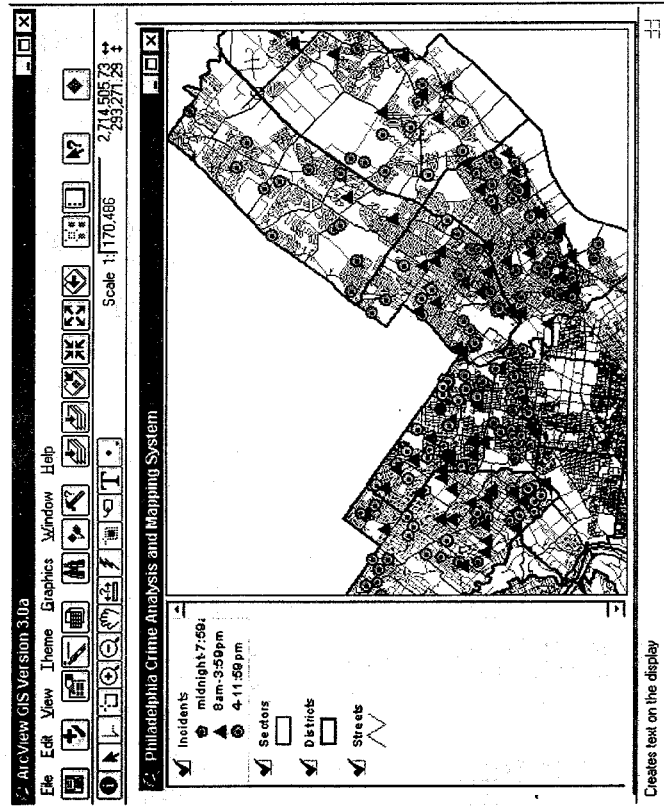
- Visualization Tool
- Accountability Tool
- Planning Tool

Density of Theft  
from Automobiles



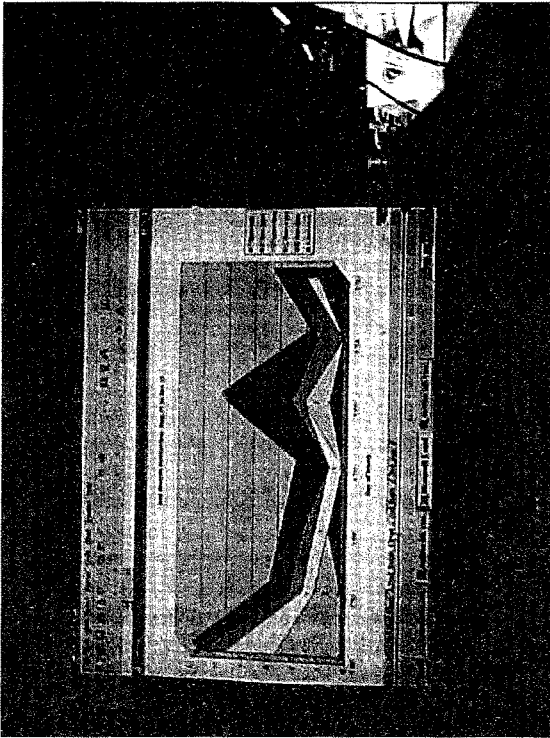
# COMPSTAT

## Visualization



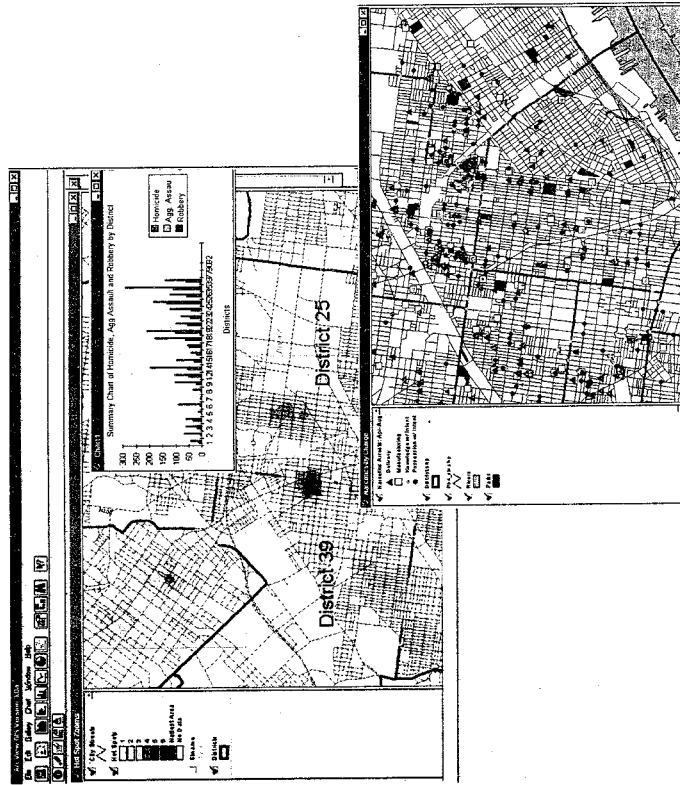
# COMPSTAT

81



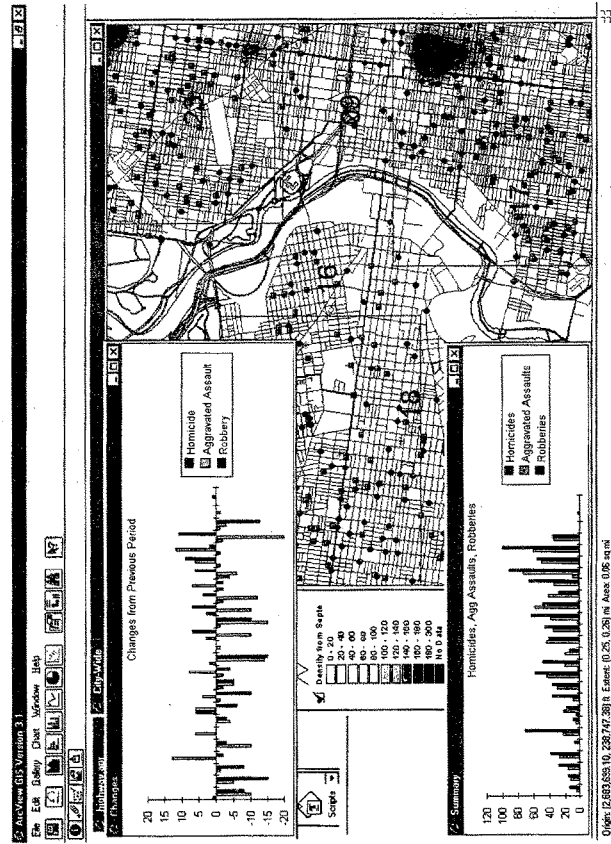
# COMPSTAT

82

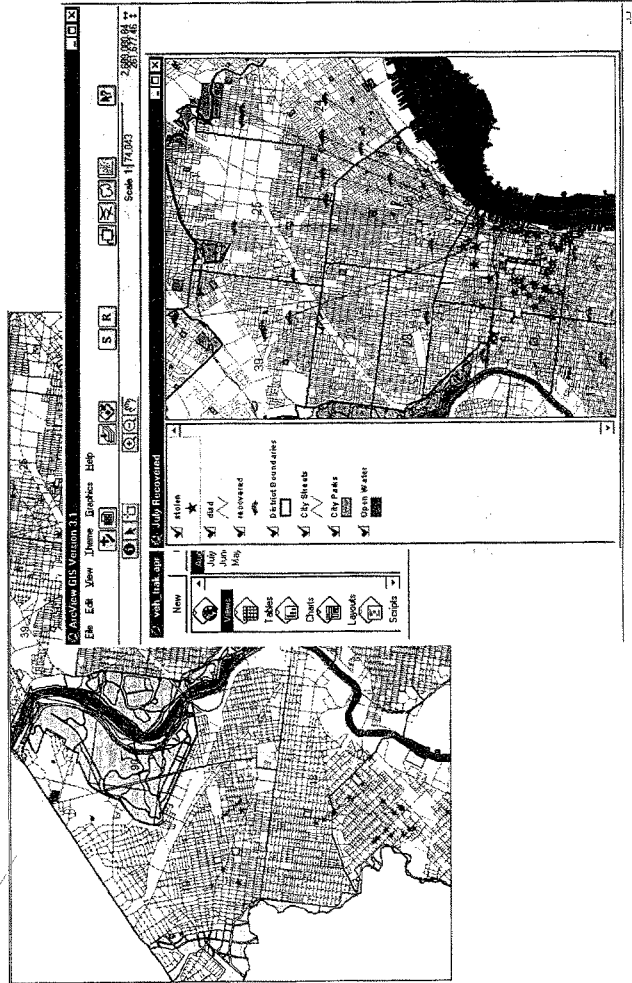


# COMPSTAT

83

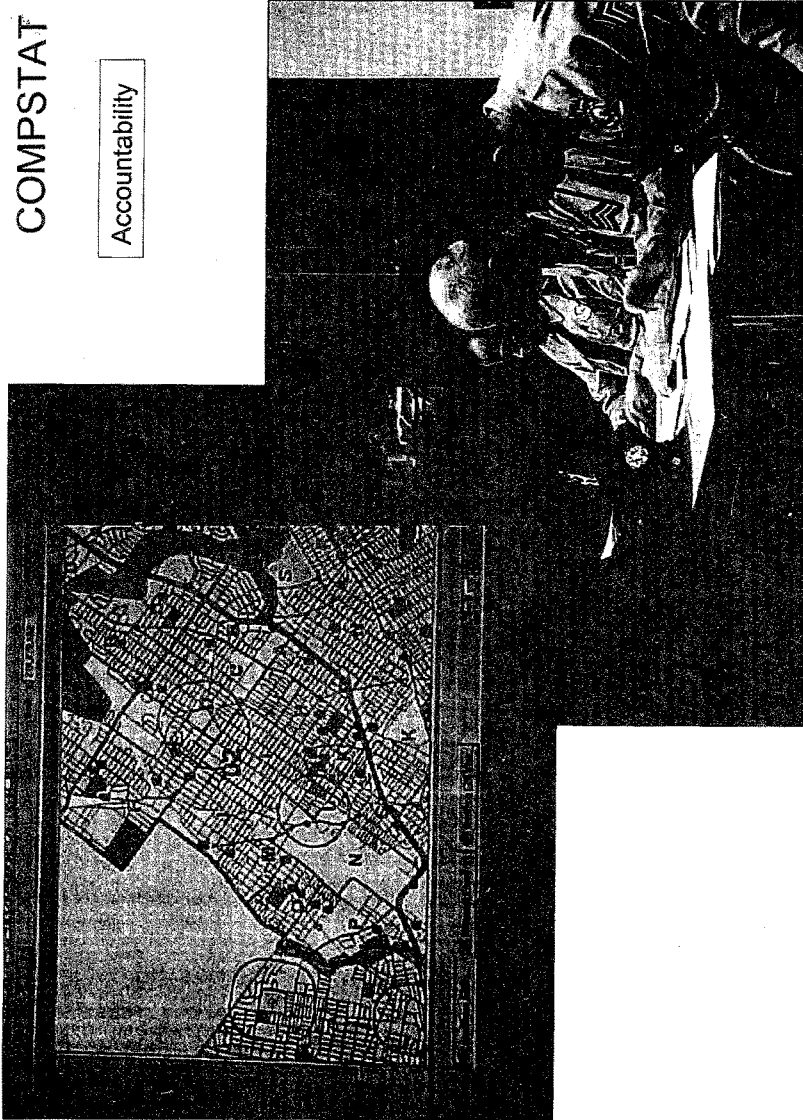


# COMPSTAT

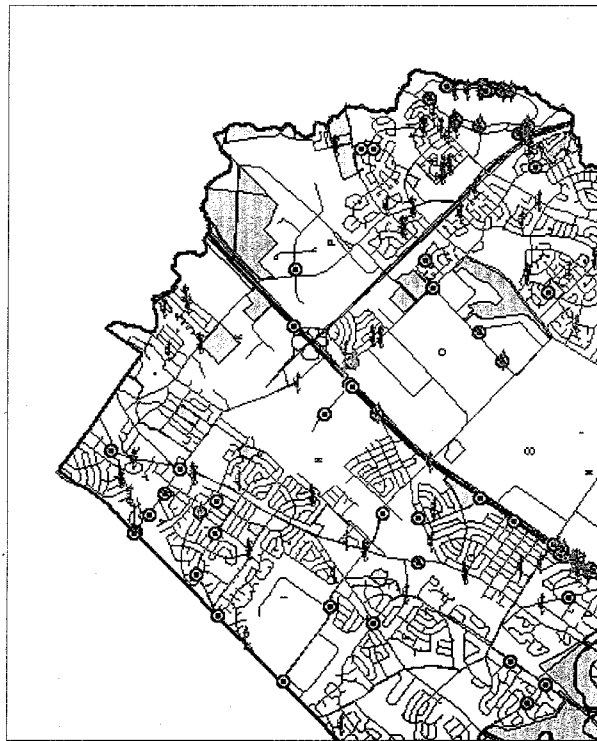


# COMPSTAT

Accountability







# COMPSTAT

88



# Planning Tools Operation Sunrise Phases I & II



Gun Crimes July-Dec 1997

Gun Crimes July-Dec 1998

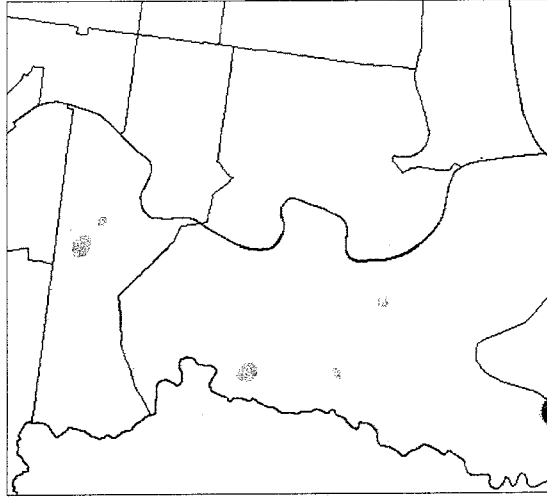


Related Incident Densities for July - December, 1998 (After Phase I)

# Planning Tools

## Southwest Division

Auto Theft

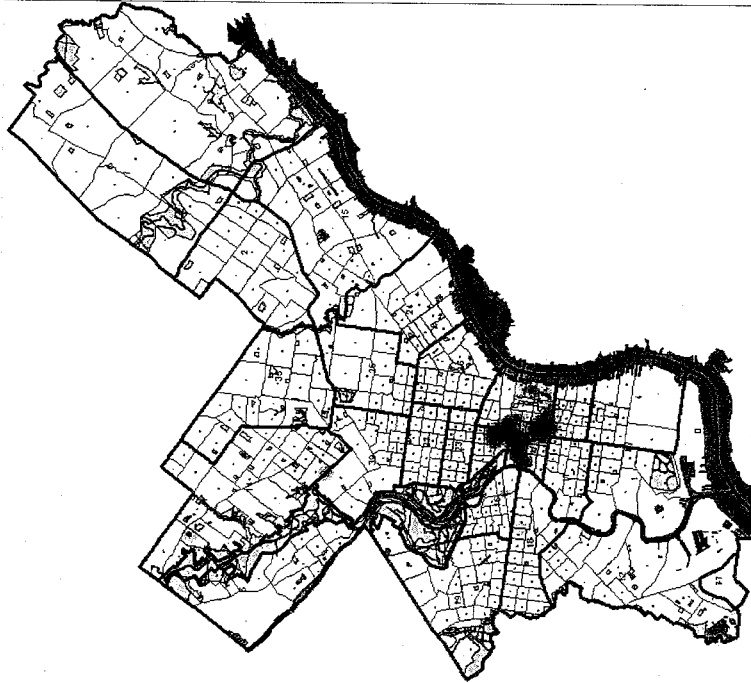


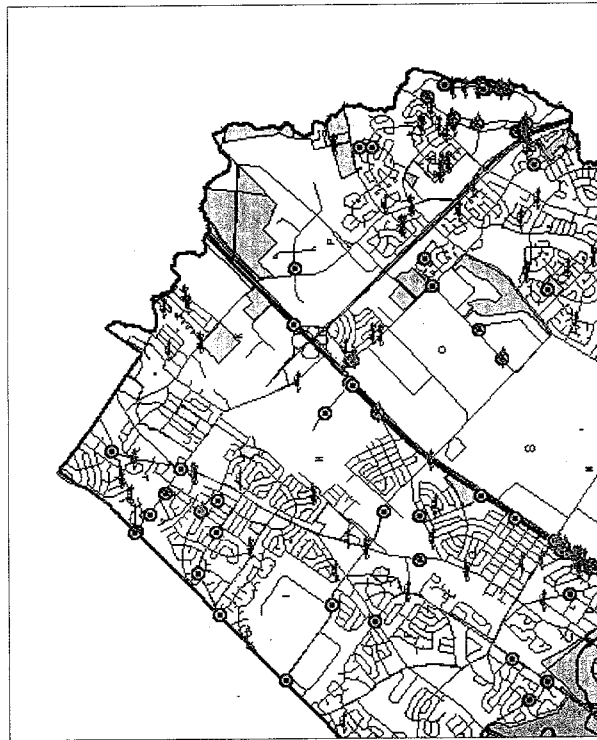
Month-to-Month Change in Concentration



# EDGES

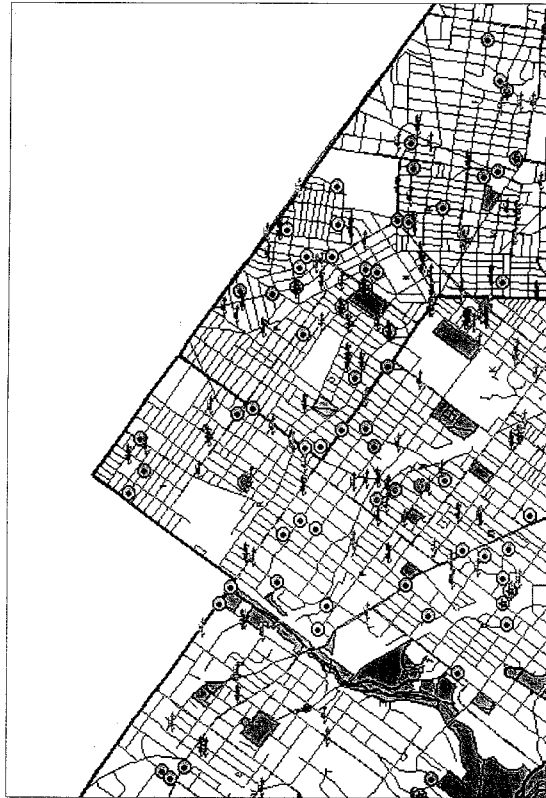
Density of Theft  
from Automobiles

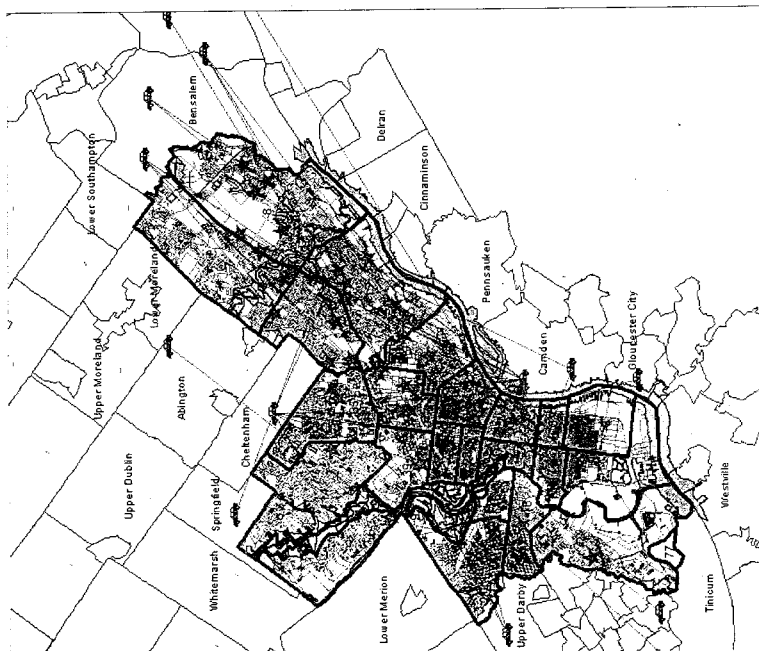




## EDGES

93





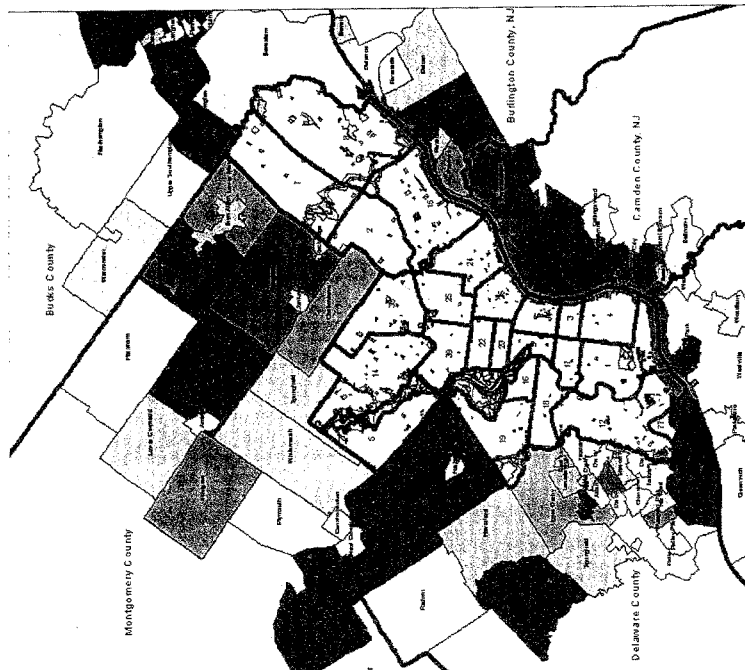
## Auto Theft and Recovery Locations

Philadelphia Police Department

# Crime Analysis & Mapping



# Philadelphia as a Region 85 municipalities in immediate perimeter



Mr. TIMONEY. Thank you, Robert. As we said prior, we use the CompStat process to set strategic and target goals. Probably the most fundamental, important step is timely and accurate information. To guarantee that we have timely and accurate information, I have established a quality assurance bureau, which reports directly to me, which makes sure that our information is both timely and accurate. Additionally, I have appointed an independent expert, Professor Larry Sherman of the University of Maryland, to advise me on the matters of crime reporting and the correlation of crime.

But accuracy and timeliness, although necessary, on a necessary basis on which to plan a crime-fighting strategy, is not sufficient alone. In order to fight crime effectively, police commanders have to identify crime patterns that Robert mentioned earlier. Unfortunately, as you saw from the maps, these patterns often cross boundaries because criminals recognize no artificial political boundaries.

As a result of our meetings in CompStat, I decided, along with the concurrence of Mayor Rendell, to host a meeting of the four major counties surrounding Philadelphia, along with about 100 different police jurisdictions, to share the information and give them a demonstration on the mapping capabilities of Philadelphia and also to promise them we would assist them in setting up, if they so desired, mapping for their individual areas. And the response on the part of the chiefs in the surrounding areas was nothing short of spectacular.

I am delighted to report that they welcomed these suggestions enthusiastically and we have begun working out a formula to make sure that this happens over the near future. But my suggestion might have not been so enthusiastically endorsed. My colleagues may have preferred to continue doing things on their own. All of us would have suffered and none of us would have been able to tackle the problems on our own. That is why I believe the Federal Government has an important role to play here. Enabling police departments across the country to exchange crime information electronically is too important a goal to be left to the voluntary actions at the local level.

I know that the Department of Justice is now thinking about how best to approach this subject, but I believe that the time for thinking is past. It is now time for action. If the Federal Government is serious about helping local communities to fight crime more effectively, it is this area in which it can and should take a strong lead. It should set up a commission to develop common data and technical standards for the criminal justice system and to take positive steps to encourage local agencies to endorse and adopt them.

Computer mapping of the kind you have just seen is only one example of how science and technology can significantly strengthen the crime-fighting capabilities of local police departments. DNA, automatic fingerprint identification systems, ballistic identification systems are other areas with which members of the committee may be familiar. The point I want to make is that, as we approach the new millennium, effective policing requires more than uniformed police officers on the street. Police departments also need sophisti-

cated scientific and technological support. This means specialist equipment, systems, and professionals to operate them. For example, forensic scientists, information technologists, and communications engineers.

Here again, I believe the Federal Government can play a vital role. For too long, the law enforcement community in this country has relied on others, mainly in the Defense industry, to develop the science and technology that it needs to do its job. But policing local communities is very different from fighting foreign enemies. The police have special needs that are unlikely to be understood or met by military suppliers. I therefore believe that the time has come to establish a national laboratory of criminal justice and of law enforcement science and technology, similar, but independent of the well-known laboratories that support the Department of Defense.

It should be staffed by the finest professional scientists and technologists, working alongside the best criminal justice professionals. Its mission should be to become the center of excellence in the application of science and technology to the problems of the criminal justice system. As well as carrying out a program of applied research and development, it should be available to assist individual departments with difficult operating requirements, expensive specialist equipment, or other expertise.

A model for such a laboratory already exists in the United Kingdom. It is funded and managed by the national government and it is an important part of the UK policing scheme, both because of its research findings and its technical support activities. It was that laboratory which was responsible for first applying DNA technology to the world of criminal justice.

The establishment and maintenance of such a facility is not the project which one can expect an individual community to take on, no matter how large or how rich this community is. Some might argue, however, that this is something in which the FBI or some other Federal law enforcement agency should take the lead. But this would give the institution a much narrower focus than I believe it should have. I would like to see it serve the whole criminal justice community, not just the law enforcement sector. And its principal focus should be on local concerns, rather than national ones.

Crime is primarily a responsibility of local communities and the experience in New York and elsewhere has proven that it is most effectively tackled at the local level. But I believe that the Federal Government can play an important role in helping local communities carry out their responsibilities even more effectively. It can do this by providing those things, like the development of national standards and the support of major research and development programs, that can only be delivered nationally. In this way, the Federal Government can legitimately help local communities to help themselves. I thank you, Mr. Chairman.

[The prepared statement of Mr. Timoney follows:]

**House of Representatives: Committee on Government Reform and Oversight**

**Testimony by John F. Timoney**

**Police Commissioner of the City of Philadelphia**

**Wednesday, March 3, 1999**

Good Afternoon, Ladies and Gentlemen.

My name is John Timoney. I have been Police Commissioner of the City of Philadelphia since March 1998.

Prior to that appointment, I spent 29 years as a member of the New York City Police Department, retiring in April 1996 as the First Deputy Police Commissioner to Police Commissioner William J. Bratton. I spent the next two years as a consultant advising police departments in this country and abroad on how to make themselves more effective.

Like most Police Commissioners, however, my police career began a long way from the corridors of power. In fact, my introduction to policing took place on the streets of the South Bronx and Harlem, where I served first as a patrol officer and then as a narcotics investigator. Indeed, I spent 12 challenging and very rewarding years fighting crime on the streets of New York before I began the long climb up the management ladder. That part of my career was, I am pleased to say, no less challenging. It included a spell as head of the Police Commissioner's Office of Management and Planning and 12 months as Chief of Department, the highest-ranking uniformed position in the NYPD.

It was as Chief of Department under Commissioner Bratton that I had the good fortune of being a member of the team that changed fundamentally the way in which the NYPD approached its core mission of policing New York. As part of our new approach, we

developed an entirely new and much more effective set of policies and procedures for tackling urban crime and disorder. It is the results of this experience, as well as of my experience as a consultant to police departments around the world, that I want to share with you today.

As most of you already know, the heart of the new approach to fighting crime introduced by Commissioner Bratton in New York is a process known as “COMPSTAT”. Many experts have written at length about COMPSTAT – about its origins, its key features and why it has proved so effective in reducing crime in the country’s most densely populated city.

It is not my aim today to add to this historical and largely theoretical discussion about COMPSTAT or even to defend my decision to introduce it in Philadelphia. I prefer to use this opportunity to tell you how the Federal government can help to make the COMPSTAT process an even more powerful tool for fighting crime in our cities.

In my view, there are three main features of the COMPSTAT approach:

- ✓ The first is the decentralization of decision-making to local commanders. It is the local commander who is in closest touch with the crime and quality of life conditions in his/her neighborhoods. He or she is therefore best placed to develop and implement the strategies necessary to tackle these conditions and it is his/her responsibility to take the lead in doing so. This is the approach that we have adopted in Philadelphia. The role of top management in headquarters is to support, advise and supply the local commander and to set the policy framework within which he or she must work. It is also our role to monitor the performance of the local commander and to hold him/her accountable for that performance.
- ✓ To formalize this monitoring and accountability process, we have also introduced the second important feature of COMPSTAT; namely, weekly

meetings at which local commanders report on their performance to the Department's top management, including myself, my Deputy Commissioners and the heads of all the special Bureaus and units. At these meetings, local commanders describe the conditions in their districts and what they are doing about them. Some of these presentations are success stories; there are times, however, when local commanders find themselves having to explain why the strategies they outlined at earlier meetings have not been nearly as successful as they had suggested they would be.

- ✓ The third and most important feature of COMPSTAT is the use of computerized maps of crime information.

Rather than talking about what these maps show and why they are so valuable, I have brought with me today Mr Robert Cheetham, a senior analyst in the Philadelphia Police Department's Crime Mapping Unit, who will give you a brief demonstration of this exciting and powerful new technology.

[ Five Minute Presentation]

There are several comments that I would like to make about what you have just seen.

As I have already said, these maps are used in the COMPSTAT process to set strategic and tactical targets for local commanders and to measure their performance against these targets. In this way, the maps enable the Department to focus its manpower and other resources where they are most needed and to see how effective these resources have been. For this reason, the information used to produce these maps – the Department's criminal statistics - must be both accurate and timely. This is crucial!

COMPSTAT has therefore changed the way police departments, like Philadelphia, look at the crime statistics. When I began my policing career, over 30 years ago, the crime statistics were collected for purely historical purposes – to help the FBI produce its

annual report on national crime. Under COMPSTAT, these same numbers have become vital tools for the allocation and management of scarce resources. As a result, everyone in the department – not just the statisticians in the planning unit – has an interest in getting them right.

To ensure the quality of our statistics in Philadelphia, I have established a Quality Assurance Bureau, reporting directly to me. The job of this Bureau is to audit our statistics on a regular basis to ensure their accuracy and timeliness. In addition, I have appointed an independent expert, Professor Lawrence Sherman of the University of Maryland, to advise me on these matters. I am now confident that the criminal statistics produced by the Philadelphia Police Department are as reliable as those produced by any other department in the country.

But accuracy and timeliness, although a necessary basis on which to plan a crime-fighting strategy, are not sufficient. In order to fight crime effectively, police commanders have to identify crime patterns. Unfortunately, as you saw from the maps, these patterns often cross boundaries because criminals, for reasons best known to themselves, appear to have no respect for jurisdictional boundaries. This is not serious when the boundaries are between the districts of the Philadelphia Police Department. But it becomes more difficult when the criminals decide to ignore the Philadelphia city limits and to extend their activities to other townships, counties or even states.

You will recall, for example, the map showing where the vehicles stolen in Philadelphia were recovered. As you saw, many of the cars stolen in Philadelphia were recovered outside our city limits; some were recovered across the Delaware River in Camden, New Jersey.

But even that map, as interesting and informative as it is, tells only half the story about the pernicious problem of vehicle theft in the Greater Philadelphia area. It does not show the vehicles recovered in Philadelphia that were stolen in New Jersey or in the four counties surrounding the city. We are unable to produce such a map at this time because

the information necessary to do so is not readily available. Of course, each of the nearly 100 police department in our region collects information about stolen vehicles. But each department collects this information in its own way and each has its own independent computer systems to maintain and analyze it. These systems cannot talk to each other because they each operate according to their own set of data and technical standards. As a result, exchanging information between these departments, while it can, of course, be done, is a laborious and expensive undertaking that is worth doing only in very special circumstances. [The map in front of you showing the number of townships in the immediate vicinity of Philadelphia gives some idea of the problems we face.]

If, on the other hand, all these departments were to share common data and technical standards, the exchange of crime information could be performed automatically – that is, electronically. That would make the preparation of regional maps of the kind that you have just seen – but regional ones that showed the whole story including cross-jurisdictional crime patterns - a matter of routine. How much more effective we would all be!

With this objective in mind and with the full support of Mayor Rendell, I met representatives of the police departments of Bucks, Montgomery, Chester and Delaware counties, Pennsylvania - the four counties surrounding Philadelphia - a few weeks ago. I gave them a demonstration of our mapping capabilities (similar to the one that you have just had) and invited them to join the Philadelphia Police Department in agreeing common technical and data standards for our criminal information systems. I explained that if we could agree such standards, each of us could in due course produce maps of the kind that you have just seen for the whole of our region. (I offered to make my Mapping Unit available to advice them on how to produce these maps.) These maps would reveal cross-county crime patterns that would enable each of us to focus our crime fighting strategies more effectively.

I am delighted to report that my colleagues welcomed this suggestion enthusiastically and that work has already begun on studying the feasibility of such a co-operative approach to criminal information. In the longer-term, if all goes well, we could have regional COMPSTAT meetings that would make us all significantly more effective and improve the quality of life for everyone who lives, works and visits our region.

But my suggestion might not have been so enthusiastically endorsed. My colleagues might have preferred to continue to do their own things. All of us would have suffered, but none of us would have been able to tackle the problem on our own. That is why I believe that the Federal government has an important role to play here. Enabling police departments across the country to exchange crime information electronically is too important a goal to be left to voluntary action at local level.

I know that the Department of Justice is thinking about how best to approach this subject. But I believe that the time for thinking is past; it is now time for action. If the Federal Government is serious about helping local communities to fight crime more effectively, this is an area in which it can and should take a strong lead. It should commission the development of common data and technical standards for the criminal justice system and take positive steps to encourage local agencies to endorse and adopt them.

Computer mapping of the kind that you have just seen is only one example of how science and technology can significantly strengthen the crime fighting capabilities of local police departments. DNA, Automatic Fingerprint Identification Systems and Ballistic Identification systems are other examples with which members of the committee may be familiar. The point I want to make is that, as we approach the new millennium, effective policing requires more than uniformed cops on the street. Police departments also need sophisticated scientific and technological support. This means specialist equipment and systems and the professionals to operate them; for example, forensic scientists, information technologists and communications engineers.

Here again, I believe that the Federal government can play a vital role. For too long, the law enforcement community in this country has relied on others – mainly the defense industries – to develop the science and technology that it needs to do its job. But policing local communities is very different from fighting foreign enemies. Although some equipment and technology developed for the armed services is also useful for law enforcement – for example, communications equipment, night vision equipment and helicopters – the police have special needs that are unlikely to be understood and met by military suppliers.

I therefore believe that the time has come to establish a national laboratory of criminal justice/law enforcement science and technology similar to, but independent of, the well-known laboratories that support the Department of Defense. It should be staffed by the finest professional scientists and technologists working alongside the best criminal justice professionals. Its mission should be to become a center of excellence in the application of science and technology to the problems of the criminal justice system. (One of its early tasks might be to develop the common data and technical standards that I discussed a moment ago.) As well as carrying out a program of applied research and development, it should be available to assist individual departments with difficult operations requiring expensive specialist equipment or expertise.

A model for such a laboratory already exists in the United Kingdom. It is funded and managed by the national government and is an important part of the UK policing scene, both because of its research findings and its technical support activities. It was that laboratory which was responsible for first applying DNA technology to the world of criminal justice.

The establishment and maintenance of such a facility is not a project which one can expect an individual community, no matter how large or rich, to take on. Some might argue, however, that this is something on which the FBI or some other Federal law enforcement agency should take the lead. But this would give the institution a much narrower focus than I believe it should have. I would like to see it serving the whole of

the criminal justice community, not just the law enforcement sector. And its principal focus should be on local concerns rather than national ones.

Crime is primarily the responsibility of local communities. And experience in New York and elsewhere has proved that it is most effectively tackled at the local level. But I believe that the Federal government can play an important role in helping local communities to carry out this responsibility even more effectively. It can do this by providing those things, like the development of national standards and the support of major research and development programs, that can only be delivered nationally. In this way, the Federal government can legitimately help local communities to help themselves.

Mr. BURTON. Thank you, Mr. Timoney. Has anybody ever told you you resemble Richard Harris, the movie star?

Mr. TIMONEY. Only about 1.5 million times. [Laughter.]

We are from the same country, maybe that is what it is.

Mr. BURTON. I just was waiting for you to start singing McArthur Park.

Well, first of all I want to thank you both very, very much for being here. You know, in the press I think you have been described as a cop's cop and, toward that end, what makes you, a cop's cop, more capable of making decisions than somebody who has just graduated from some crime school?

Mr. TIMONEY. Oh, I think, while I am all for education—I have a lot of education—there is nothing to beat experience on the street, dealing with especially in large urban areas, dealing with diverse communities. And, you know, having worked in some of the tougher parts of New York in a variety of assignments from patrol, plainclothes, to narcotics, combined with a formal education, I think I bring a unique experience and resume, if you will, into fighting crime.

And I think, with good leadership, good systems, police departments can be much more effective at the local level in fighting crime, I think, then they ever have in the past.

Mr. BURTON. You are adopting, I presume, a great many of the programs and systems that Mayor Giuliani talked about earlier today.

Mr. TIMONEY. Right.

Mr. BURTON. You were the chief deputy commissioner in New York.

Mr. TIMONEY. That is correct.

Mr. BURTON. And so I presume that what you are doing is taking a lot of those same ideas, augmented by new ideas you are coming up with, to Philadelphia.

Mr. TIMONEY. Correct. And the one addition—I mean, there are a lot of additions—but the one this young man sitting next to me, he and two of his colleagues are graduates of the University of Pennsylvania that have degrees, sophisticated degrees, in computer science. And that is a new appreciation that I have for the civilian end of the policing world that even us tough, hardened veterans can learn from young civilians that are specifically trained in this high-tech area.

Mr. BURTON. Very good. This CompStat program that you are talking about, do you know how many American cities are adopting that, besides Philadelphia and New York?

Mr. TIMONEY. I don't know the exact number, but I think most of them have taken on some form of the CompStat process. Although I think a lot of them don't do it quite correctly. The one thing that is misunderstood, I think, about CompStat, the one important feature for me, is the CompStat process, those weekly meetings that are chaired by myself and the executive staff, for the first time ever in American policing, it has got top management involved in day-to-day crime-fighting. Before, trust me, in the old organization, the big chiefs never got involved in fighting crime on a day-to-day basis.

In the CompStat process, the crime is laid out on maps. It forces you to deal with it. It forces you to get actively involved. It forces you to help the local commanders come up with the decisions regarding strategies and how to deal with that stuff effectively. That, I think, is the unappreciated side benefit of the CompStat process.

Mr. BURTON. Do you think a great many more policemen being funded at the Federal level and sent to the local communities would be helpful? Or do you think the money would be better spent giving it to the city police chiefs in the form of a block grant and let them come up with the innovative ideas on how to stop crime? I mean, you know, we have a limited number of Federal dollars that we are going to spend.

Mr. TIMONEY. Right.

Mr. BURTON. And I am not going to get partisan in any way.

Mr. TIMONEY. Yes.

Mr. BURTON. But the administration has one view and that is to put more policemen on the streets, with which I share a great deal of support. But then there is another attitude which has been expressed I think by Mayor Giuliani and I think you guys, to a degree, and that is that it would be better to block grant the money back because cities have individual problems and needs and it would be better to let them come up with innovative ways to spend that money.

Mr. TIMONEY. Yes. I mean, it is always nice, as you said, to have more police officers, but the idea of having a lot more discretion sometimes to choose between a single police officer, for example, at \$40,000 per year and a piece of technology that may benefit 100 police officers and leaving it up to the local chief to make that decision I think is always a wise decision.

Mr. BURTON. So you think that would be a better approach because you understand the problems better at the local level than the Federal level.

Mr. TIMONEY. That is correct. Yes, without a doubt, I think the more discretion that the local commanders are allowed to have regarding spending money is always desirable.

Mr. BURTON. Do you agree with that?

Mr. SHORSTEIN. Yes, I do.

Mr. BURTON. That was a quick answer.

Mr. SHORSTEIN. No, I think there is a lot of analogy that can be drawn between CompStat and our juvenile justice program. And we hate to use the war analogy, but, essentially what mapping does is recognizes where the problems are and you direct your efforts and your resources or your troops, if you will, to the most important fronts.

I think the same analogy can be drawn to focusing on juvenile crime. That historically the Federal and State and local governments have ignored juvenile crime and waited and addressed crime by programs such as three strikes you are out, which are programs we often support because the punishments are warranted. If the war is raging on the 11 to 18 year old and, as Mr. Horn pointed out earlier, starting with fighting crime at 0 to 3, stopping teenage pregnancy, dealing with welfare reform so that you are not making decisions here in Congress that essentially contribute to future criminal problems.

So I do agree—it is quite a long answer to your question—that we not only are better able to understand what I refer to as traditional crime, the rape, robbery, and murder type crime, than you are, because we deal with it more comprehensively, but when we develop programs, hopefully with your support, if they are effective, then we are better able, even politically, to enhance our own efforts. As you have seen, I think, in our video, the support is very, very broad within my jurisdiction.

Mr. BURTON. OK. I have some more questions, but I will now yield to Mr. Horn.

Mr. HORN. Thank you very much, Mr. Chairman and I appreciate the testimony that you gentleman have provided. It is really excellent what you are doing and it deserves to be a national model and I guess you probably have a lot of inquiries, both of you, every day. And Mr. Giuliani, Mayor Giuliani, this morning, certainly had a turnaround. And I know it can be done.

I was in Philadelphia when I was vice chairman of the U.S. Commission on Civil Rights and we examined the police department and I am delighted to see you, Commissioner. Because it was absolute chaos in that department 20 years ago where they had no deadly force policy, for example. You just shot at somebody. There was no policy. And we had the good mayor at that time, ex-police commissioner, who had left a lot of problems there. And I tried out a deadly force situation on him and I said, you have got 10 seconds to make up your mind, not just 3. And where is the policy? And we found two young children had been killed by the police, both 16, one white, one black. And it was just a mess. So I am sure you are straightening that one out.

But what interests me here is what you are doing is right at the core of it and that is to get them early out of the cycle. And you are right about the truancy. And you are right about keeping them busy and all the rest. And I guess I would like to know, under either the laws you have to operate or the grants you have to operate—I hear you want them discretionary and I certainly agree with that—but how much flexibility do you have in both cities to do what you think needs to be done, based on your practical experience? Are the laws and ordinances and grants, Federal, State, do they limit you in some ways that you would like not to be limited if you are going to be even more successful?

Mr. SHORSTEIN. More, to answer to would we like more flexibility. Yes, I can give you some examples. Another area where the Federal Government has been helpful to us has been in establishing a drug court program office where we have received Federal funding for drug courts, which I believe are very effective. I have an adult and a juvenile drug court in Jacksonville. But, again, there are some very, very strict limitations that are not always practical. It seems as if well-intentioned grant policies get bogged down, understandably in some cases, with restrictions that are not practical.

Now, conversely, or as lawyers always say, on the other hand, I respect your very, very difficult decision in trying to understand where the money should go. I jokingly addressed the other body last year and I told the Senator we don't want your advice, we just want your money. Which is sort of truthful, but it was a joke.

I am always asked how do we tell Congress to draw the legislation so as to see that the money gets to the place it is intended. It is a very, very difficult problem, Congressman, and, again, sarcastically, I could say, I am just a prosecutor, that is really your problem.

Mr. HORN. What we are doing to education in this Congress is to make sure that 95 percent of every grant in education gets into the classroom, not skimmed off by the Federal Department of Education, not skimmed off by the State department of education, not skimmed off by the county department of education or the local unified school district. And I think that will help get the money where the people that are on the firing line do the good things and make the difference. And that is exactly what you are asking for and we ought to do it.

I think the best thing Congress ever did in this area was the Revenue Sharing Act that lasted from Nixon to Reagan. Unfortunately, Reagan gave into the lobbying forces here and the Democrats and they destroyed the program. And yet it gave local council members who know their city a lot better than any of us do sitting here and gave them the authority to get the job done, be it parks or police or whatever was the need of that city. I hope one of these days when we retire the national debt a few trillion dollars that we can get back to that.

But let me ask you in a couple of other areas. You mentioned DNA and I am curious, Commissioner, what is your thinking along that line? Is that that we keep juvenile files on DNA in case crimes develop and you can check the DNA against the file? Or what is your thinking on that? It is a great—

Mr. TIMONEY. Yes, but I am hesitant against central data banks unless somebody has been arrested and convicted of a crime. I think you have to be real, real careful. Any time you put any kind of central files, you just have to be extremely careful. The thing I am arguing for as far as DNA, though, is that where the Federal Government has the role, whether it is in DNA or other technologies or standards, is coming up with clear Federal standards and guidelines. Even for DNA it is not compatible, for example, between Philadelphia and Pennsylvania State police and Philadelphia and the FBI. They need certain standards that go across the country. The same thing for crime reporting.

What we are trying to do in Philadelphia is recognize the artificial political boundaries that surround Philadelphia and encourage our chiefs of police in the surrounding areas to become a partner with us, using this mapping. And we are taking now CompStat to the next level, a regional-type CompStat where we do not recognize for planning purposes, strategic planning purposes, artificial boundaries. That what we are all about and, you know, we are receiving great enthusiastic response from the local communities surrounding Philadelphia.

But the importance of DNA or anything else is setting up standards, national standards, that all police departments can abide by.

Mr. HORN. Now, to what degree do we have any sort of a national standard now? Has the FBI ever generated some thinking in this area? What is happening?

Mr. TIMONEY. Gordon Wasserman who is my chief of staff and adviser also on technology sits on some of these committees.

Mr. WASSERMAN. This is a very technical and the edges are not straight. There are, at the moment, several ways of doing DNA profiles and that is why the Commissioner is right saying some profiles don't compare with others. The Federal Government is working on standardizing this, simplifying the way DNA is taken and standardizing on a particular method for taking DNA profiles.

After all, DNA developed from medical technology is now being applied to the criminal justice system. But it is very much something which has come from another sector and there is no, yet, agreed—that is nationally agreed—way of taking a profile. But it is the standards the Commissioner has been talking about, not only of DNA, but even fingerprint systems, as you probably know, don't talk to each other. There are proprietary standards of fingerprint systems or ballistic identification systems so that we in Philadelphia have one method of identifying ballistics of shell casings, but we can't compare ours electronically with those shell casings analyzed across the river in Camden, NJ.

So there are many examples of how proprietary standards, which suppliers develop in order to sell their products, whether it be a ballistic identification system or an automatic fingerprint system or some other systems, develop their own proprietary systems which prevent local agencies from exchanging this information electronically. And we all know this from our own computer systems that computer systems can't be linked together unless common standards have been developed.

So with this very specialized technology used for criminal justice, we need to have agreed standards. We couldn't have telephone systems which spoke to each other, I mean, you couldn't speak to someone living in China unless the Chinese telephone authorities and the American telephone authorities had agreed on a common standard. And so that is the problem we have of comparing fingerprints or ballistics or anything else. And that is why we want to——

Mr. HORN. Well I am glad I asked that question, because you have educated me on this. And, Mr. Chairman, either at the full committee level or at my Subcommittee on Government Management, Information, and Technology level where we have jurisdiction over the information laws of the Federal Government and electronic transmittal of data over that. You raise a very interesting question. It isn't that something is wrong with the DNA test and its value, if you can analyze it correctly. But what is not agreed upon is right now will any of these different samplings around the country fit in where you can have reliance on what the data are telling you. So we will take a look at it and you two look like good witnesses in this area, down the line.

Let me ask about arms that——

Mr. BURTON. Stephen, would you yield on that real quick.

Mr. HORN. Yes.

Mr. BURTON. I want to make sure I understand what you just said. There is an inconsistency in the systems that are used by different locales in keeping these records. And, therefore, it makes it difficult to compare them across State or county lines, for that mat-

ter. Would you advocate that there be some kind of a national norm set up, maybe by Congress, not to interfere with the collection of this data, but to make sure there is consistency in the way they keep these records so that they could be compared?

For instance, fingerprints from L.A. to New York, DNA samples from L.A. to New York, so that in a moment's notice they could be compared for law enforcement purposes and you wouldn't run into this problem with different systems?

Mr. TIMONEY. That is clearly it. But even now, for example, in the ballistics area, where the FBI and the ATF has two separate systems, one has Drug Fire, the other has Brass Catcher. They are two completely different systems.

Mr. BURTON. What I am saying is should we move toward uniformity?

Mr. TIMONEY. Oh, absolutely. Clearly, yes.

Mr. BURTON. Well, then that is something that we probably ought to look at. That might even be much more cost-effective in the long run if you had that kind of uniform requirement.

Mr. WASSERMAN. Chairman, can I just say—I mean, what makes the Internet work so well is there are standards that have been developed so that we can now look up, at a press of a button, we can read the newspaper from Paris and London and that is because certain standards have been agreed. What we would like to see in the criminal justice field and not so much in the DNA, that is a very specialist field and people are working toward a common way of analyzing DNA, but the information which is so much more important and the preparation of the criminal information and the collection of the information.

Every single police department collects the same information. It is there in their computer systems, but it is there in a different way. And there are two ways: the data is different. They collect in a slightly different way. And the computer system is different. If we could agree on that and we could produce these same maps for the whole of the Philadelphia region through electronic interchange. And the Department of Justice is thinking about it but—

Mr. BURTON. Which would help the whole justice system.

Mr. WASSERMAN. Absolutely.

Mr. BURTON. Go ahead, Mr. Horn.

Mr. HORN. If you will indulge me on two more questions.

Mr. BURTON. Well, I will be glad to indulge you.

Mr. HORN. Mr. Chairman, I realize there is a real back up here. [Laughter.]

But the arms in an urban area, what is your policy and feelings that ought to be done in that area? The degree to which arms, be they Saturday night specials, be they handguns of one sort or the other, what would you, as commissioner of police in Philadelphia, recommend in that area and what would you as State attorney in Jacksonville recommend? I am interested in your views on that.

Mr. TIMONEY. Well, there is a particular problem with Pennsylvania now. As a result of certain States, notably Maryland and Virginia, passing one-gun-a-month legislation, Philadelphia now, all of a sudden, when you are looking at illegal guns that are confiscated in New York, Philadelphia all of a sudden, in the last 2 or 3 years, has become a source State, largely as a result of the ability for

strawman purchases where a legitimate citizen can go in and purchase 30, 90, 100 weapons and then go file down the numbers and go sell these guns out on the street in west Philly or up in New York City.

I testified in Harrisburg on Monday to try and get a reasonable piece of legislation that doesn't infringe upon the rights to bear arms. There's nobody attacking the Constitution that way. But to try to remove the profit from illegal sales of handguns through strawman purchases. And that is what we are looking at. Right now that is a front-burner issue for myself and Mayor Rendell in Philadelphia. Other States have gone that way, but Pennsylvania has not.

Mr. HORN. Mr. Shorstein.

Mr. SHORSTEIN. You are addressing an unbelievably difficult problem. I firmly believe that there are too many guns out there and I believe that there is no justification for not doing everything in the world to separate juveniles from firearms. The types of crimes we see today are so different than the crimes I prosecuted in the 1960's and the 1970's. They mirror the sensationalism of the violent television shows. You seldom ever find a revolver used in a—of course, that is an exaggeration. But everything now is a semi-automatic weapon or a firearm.

But, politically, it seems as if Washington and I know my State bogs down on the issue of firearms. So I guess we can't let it destroy good legislation and I am afraid it may have last year with the Federal legislation on juvenile crime, both in the House and in the Senate. The word we got, those of us who were fighting for the Federal legislation, is it is going to die on the issue of firearms and gun locks because the NRA cannot live with gun locks.

My response to you would be—

Mr. HORN. Which is outrageous, I think.

Mr. SHORSTEIN. Let us address it some other day and get on with the—and let me give you one last example that I am very proud of because I do believe there are too many guns. In my jurisdiction, I got with Marion Hammer who at the time was the Florida director of the NRA and I think, ultimately, the national president. And I said we disagree somewhat on gun control, but let us get together and implement the Ed the Eagle gun safety law program which is an NRA program that teaches children to get away from firearms. And it was a great joining of hands between two people who had different views on firearms generally, but who agree on the issue of juvenile crime and violent juvenile crime.

So all I can tell you is firearms in the inner-city, to my knowledge, an unbelievable problem.

Mr. HORN. On the inner-city and the gangs in the inner-city, some cities have tried to bring a class action against the gang as a whole to accept responsibility when one of those gang members is killing some poor 4-year-old who just accidentally happened to be out at 8 p.m., and they are going to fire bullets into the house because that is where another gang member or brother, perhaps, lives. Have you thought of or pursued that line in any way, either in Philadelphia or Jacksonville, where you just nail them and they have to start paying the bills for the people there one of their members is killing?

Mr. SHORSTEIN. Well, you address a very interesting point, which I understand was done in New York. I was on a national panel—

Mr. HORN. In California there was some lawsuit.

Mr. SHORSTEIN. And in California. It was a good, a rare good, marriage between local and Federal law enforcement because generally I believe you should leave the violent crime war to those of us on the local level. But they did use the Federal RICO statutes, I understand, in New York to target gangs and prosecute the gang itself as a racketeer enterprise, leaving the individual substantive prosecutions to the State level. That was one of the rare presentations I have heard where the Federal Government did help us, effectively, in addressing violent and serious crime.

Mr. HORN. What else do you think you need to do along the line that you are already doing it and haven't done, for one reason or the other? Is there another stage here that both of you feel we ought to be doing nationwide?

Mr. SHORSTEIN. Well, I agree with what the Commissioner said as far as standardization, not just in the area of DNA because that addresses a lot of legal problems. Various States have different legal bases for the admission of DNA or for any scientific evidence, throughout the United States.

I guess you could tell by my original presentation I am just fanatically sure that addressing crime at 0 to 18 is the answer to overall crime reduction. And I can tell you, Congressman, when I started this in 1991 or 1992, no one listened to us. But now you are. And I think we are about to turn the corner on what I think is the most overlooked addressing of critical crime prevention in the United States.

If you just picture a chart that I use that shows crimes committed by all criminals, 8-0 to death—it is really 11 through 40—from 11 to 18, the line goes straight up in the degree of violence and the degree of activity of a criminal. From 18 to death, it goes straight down and goes down drastically to age 25, essentially separating the juvenile from the adult criminal justice system. And regardless of everyone's understanding and acknowledgement of that, you and we continue to devote all of our resources—almost all of our resources—to the adult system, ignoring the juvenile system. And I think that's unforgivable.

Mr. HORN. Thank you very much. It is impressive what both of you have done.

Mr. BURTON. Thank you, Mr. Horn. Let me ask a couple. During your conversations, you in particular talking about the young people, you kept talking about how violent it is between, as far as crime is concerned, with children under 18. And do you have any statistical data or do you have any feelings about how television relates to that and movies relate to the explosion of violence among young people?

Mr. SHORSTEIN. No, Mr. Chairman. I don't have statistical data and I hate to use anecdotal examples, but I have never heard an intelligent presentation that didn't acknowledge the correlation between the violence on television, in the movies, in the music, and crime. I just can't envision someone saying that that is not impacting particularly on violent juvenile crime.

Mr. BURTON. Well, I just wish somebody would think up a way that would not violate the first amendment so that we could encourage, cajole, browbeat, whatever you wanted to call it, the entertainment industry into being a little bit more responsible. You know, I am not for censorship, but it just seems like to me there has got to be some way. I remember in New York City, they had this movie about a boy that came in and wanted the money from a teller at a toll gate at a subway and they sprayed a flammable liquid in and set him on fire.

Mr. SHORSTEIN. Yes.

Mr. BURTON. And I think within a week they actually did that.

Mr. SHORSTEIN. Yes.

Mr. BURTON. And so there are examples of where they really do emulate the violence they see on TV. So if you, as law enforcement experts, come up with any ideas that you think might stimulate the entertainment industry to head in a little different direction, please let me know because I would like to work with you on that.

You indicated—what is wrong? You indicated that you compromised with the NRA down in your area on the—

Mr. SHORSTEIN. Ed the Eagle gun safety program.

Mr. BURTON. Yes. Do you think there are other areas where there could be some agreement reached between you and the people who believe very strongly in the right to own and bear arms, so that we could protect young people, keep guns as much as possible out of the hands of young people, while, at the same time, protecting the second amendment rights of people?

Mr. SHORSTEIN. I think we are doing it now, Congressman. It has to be done because when I sit in my office and hear that the juvenile justice legislation pending before Congress may die on the NRA's opposition, that is just unacceptable. I understand everyone's right to bear arms. I am not so sure that I agree with the number of arms they are bearing. I guess if I had my choice, I would tell you only those of us in law enforcement should have guns and none of the rest of you should. But I do understand that constitutionally that is not the principle.

And I think we have to do what I did. It was somewhat symbolic, but we could get together and agree on legislation and efforts to take guns away from children. And I don't think the NRA disagrees with that.

Mr. BURTON. Well, I wish that maybe you and some others like you who are working very hard in the youth area would talk to—I know a lot of the people at the NRA. I would be very happy to facilitate meetings with you and Wayne LaPierre, Charlton Heston, or whoever it might be over there to try to come up with some compromises that would satisfy both, or as close as possible, both. So that we could solve some of your problems while, at the same time, protect those rights.

I want to ask you a couple more questions, Mr. Timoney. What kind of support has the Justice Department given to you and other law enforcement officials like you around the country? Are you getting much support out of the U.S. Justice Department? Or do you kind of just do these things on your own?

Mr. TIMONEY. No, that wouldn't be fair. We would like to get a lot more support as far as in the area of research and development.

Most police departments, even a rich police department like the New York City police department, does not have the money to engage in any kind of real research and development to do pilot programs. And I think that is an appropriate area for the Justice Department to get into.

And they did. They get into it a lot more, I would say, in the academic area, but I think that more could be done in the area with the practitioners on the ground. That is clearly one area, but overall they have been very supportive of us.

Mr. BURTON. Have they helped you at all with the CompStat program?

Mr. TIMONEY. No, the CompStat program, believe it or not, most people don't know how the CompStat program started. I do since I was one along with Commissioner Bratton and Jack Maple. The CompStat program started as pin maps and when we brought in about 50 corporate citizens into police headquarters back in 1994, explained to them what we were trying to do, it was the business community that went out and bought the—actually adopted a district; 76 stand-alone PCs with printers with map info for about \$8,500, \$9,000.

It was the business community that actually purchased the original machinery, the individual PCs, that started the original CompStat process.

Mr. BURTON. Do you know how many cities across the country have adopted that?

Mr. TIMONEY. I know hundreds of them have gone to New York and have seen it, but I don't know how many are practicing it. My sense is most of them. I was at the major city chiefs conference in Los Angeles 2 weeks ago and the sense was at least, certainly in the 50 major cities, the vast majority of them are doing some form of CompStat.

Mr. BURTON. Well, I think I have exhausted the questions I wanted to ask you. What I would like to end up by saying is if you have some data that you could give to me on like the tape that you had, Mr. Shorstein, which we could show to mayors in other cities that may not be conversant with, you know, what is happening in your area. And if you could give us the CompStat program or information on that that we could give to mayors that are not yet using it, maybe we could stimulate some interest that might help other cities that have high crime problems.

Mr. TIMONEY. Yes.

Mr. BURTON. I know a lot of them are probably doing this on their own, but I would like to be able to make copies of your tapes and make copies of your charts and everything and your statistical data and send it out to them so we can maybe stimulate them getting started.

Let me end up by saying I really, really appreciate your being here. It has been a long day. I know you waited a long time to testify, but you guys have done a great service for your communities and for the country and I think the information you have given us today is going to help other communities around the country, so you are not only doing a service for yourselves and your communities, but you are going to help other cities as well.

So to you and Mayor Giuliani, thank you very much. Nice being with you today.

Mr. TIMONEY. Thank you, Mr. Burton.

Mr. BURTON. We stand adjourned.

[Whereupon, at 2:59 p.m., the committee adjourned subject to the call of the Chair.]

